

EXHIBIT 29

1 CHAD MCLARTY

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF MISSISSIPPI

4 OXFORD DIVISION

5

6 JOHN RASH,

7

Plaintiff,

8

v.

CIVIL ACTION NO.:

3:20-cv-224-NBB-RP

10

LAFAYETTE COUNTY,
MISSISSIPPI,

11

Defendant.

12

13

14

15 VIDEOTAPED REMOTE DEPOSITION OF

16

CHAD MCLARTY

17

Friday, January 15, 2021

18

9:07 a.m. Central Standard Time

19

20

21

22

23 Reported by:

24 GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

25 JOB NO.: 188452

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2		2	A P P E A R A N C E S
3		3	
4		4	FOR THE PLAINTIFF:
5		5	
6	January 15, 2021	6	C. Jackson Williams, Esq.
7	9:07 a.m. Central Standard Time	7	PO Box 69
8		8	Taylor, Mississippi 38673
9	Videotaped remote deposition of	9	
10	CHAD MCLARTY, before Greta H. Duckett, CCR,	10	
11	RPR, CRR, CVR-S, RVR-M-S.	11	
12		12	
13		13	Joshua Tom, Esq.
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16		16	Jackson, Mississippi 39225
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7		7	BY MR. O'DONNELL 112
8		8	
9	David O'Donnell, Esq.	9	
10	CLAYTON O'DONNELL	10	
11	1403 Van Buren Avenue	11	
12	Oxford, Mississippi 38655	12	
13		13	
14		14	
15	ALSO PRESENT:	15	
16	Tim Falk, videographer	16	
17		17	
18		18	
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1	CHAD MCLARTY	
2	does.	
3	MR. O'DONNELL: On behalf of	
4	the defendants, I don't know what	
5	you mean by "admissibility." I	
6	think "use" would be the proper	
7	term. With that understanding, no	
8	objection.	
9	THE VIDEOGRAPHER: Okay.	
10	Thank you, Counselors.	
11	This is the start of media	
12	labeled number 1 of the	
13	video-recorded deposition of Chad	
14	McLarty, in the matter of John Rash	
15	versus Lafayette County,	
16	Mississippi, in the United States	
17	District Court, Northern District	
18	of Mississippi, case number	
19	3:20-cv-224-NBB-RP.	
20	This deposition is being held	
21	via videoconference, with all	
22	participants appearing remotely due	
23	COVID-19 restrictions, on Friday,	
24	January 15th, 2021, at	
25	approximately 9:09 a.m.	

<p style="text-align: right;">Page 10</p> <p>1 CHAD MCLARTY</p> <p>2 looks like the Internet connection 3 for the witness is very low, and so 4 I'm not able to get a full screen 5 capture on Zoom, and the audio 6 seems to be garbled as a result. 7 So I just wanted to make sure 8 you're aware of that before we 9 begin.</p> <p>10 (Technical discussion.)</p> <p>11 THE VIDEOGRAPHER: Going off 12 the record. The time is 9:11 a.m.</p> <p>13 (Off-the-record discussion 14 from 9:11 a.m. to 9:13 a.m.)</p> <p>15 THE VIDEOGRAPHER: We are 16 back on the record. The time is 17 9:13 a.m.</p> <p>18 CHAD MCLARTY, 19 the witness, having first been duly 20 sworn to speak the truth, the whole truth and 21 nothing but the truth, testified as follows:</p> <p>22 EXAMINATION</p> <p>23 BY MR. WILLIAMS:</p> <p>24 Q. Good morning, Mr. McLarty. My name 25 is Jack Williams. I've lived in Oxford a long</p>	<p style="text-align: right;">Page 11</p> <p>1 CHAD MCLARTY</p> <p>2 time off and on, but I haven't had the fortune 3 of crossing paths with you before that I know 4 of. I think you're a good bit younger than me, 5 though, so . . .</p> <p>6 Have you ever been deposed before?</p> <p>7 A. No, sir, I have not.</p> <p>8 Q. So this is a new process for you, 9 then?</p> <p>10 A. Correct.</p> <p>11 Q. So in -- and I've known David a 12 long time too, and he's a really good attorney. 13 So I'm sure that he's told you on the front end 14 what to expect. But I'm simply going to ask 15 you questions, and your responsibility is to 16 respond as fully and candidly as you can, in 17 light of the question that I ask. You're not a 18 mind reader. And so, you know, you've got to 19 listen to what I'm saying.</p> <p>20 Sometimes I do not speak as clearly 21 as I should, even though I know I should. So 22 if you are uncertain of the question that I'm 23 asking or you need me to rephrase it, stop and 24 say, Wait a minute, What are you asking, or 25 Would you rephrase that, and you will not hurt</p>
<p style="text-align: right;">Page 12</p> <p>1 CHAD MCLARTY</p> <p>2 my feelings, and I will be glad to.</p> <p>3 But unless you do that, I'm going 4 to assume that, to the best of your knowledge, 5 you understand what I'm saying; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And this is -- this is sort 8 of like -- well, it is out-of-court testimony, 9 and so a lot of the rules that apply in a 10 courtroom apply here. And that is, even though 11 David is seated next to you, he's there to 12 interject if I go out of bounds, or he's there 13 to protect the county's interest, but he does 14 not get to testify indirectly.</p> <p>15 And you understand that, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. If you need to stop to use 18 the restroom or if you need to stop to get a 19 drink of water, don't hesitate to give us the 20 time-out, and we'll make reasonable 21 accommodations. Fair enough?</p> <p>22 A. All right. Fair enough.</p> <p>23 Q. So what did you do to prepare for 24 today's deposition? And don't tell me anything 25 David may have said to you. Don't share a</p>	<p style="text-align: right;">Page 13</p> <p>1 CHAD MCLARTY</p> <p>2 confidence. But tell me generally how you 3 prepared for the deposition.</p> <p>4 A. I mean, I met Mr. O'Donnell 5 yesterday afternoon for a little while. Just 6 some general insight about what a deposition is 7 and how to go about it. Of course, I -- he 8 asked me the same question you asked me, had I 9 ever been involved in a deposition or ever been 10 in a -- have I ever testified in any form or 11 fashion. I told him, no, sir, I haven't, but I 12 did watch Law & Order the other night, so I 13 figured I was good to go.</p> <p>14 Q. Have you ever been a juror before, 15 by any chance?</p> <p>16 A. I have not.</p> <p>17 Q. Ever seen a courtroom proceeding 18 other than on the screen?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Let's get a little bit into 21 your background, just so I can get a feel for 22 what you might know and not know. Where is 23 home? Where did you grow up?</p> <p>24 A. Born and raised in Oxford, 25 Mississippi.</p>

<p style="text-align: right;">Page 14</p> <p>1 CHAD MCLARTY</p> <p>2 Q. In the city limits itself or in 3 Lafayette County?</p> <p>4 A. In Lafayette County. I grew up in 5 Taylor. I grew up in Taylor, Mississippi.</p> <p>6 Q. I have a particular fondness for 7 Taylor, Mississippi. Do you still have family 8 there?</p> <p>9 A. Yes, sir, I do.</p> <p>10 Q. Do you still live in Taylor?</p> <p>11 A. I live right outside of Taylor on 12 Highway 7 South, but I maintain the water 13 association for Taylor -- Taylor Water, so I'm 14 down there all the time.</p> <p>15 Q. I live on -- or county road -- 16 gosh, it's been so long since I've been there. 17 COVID has got me down in Jackson. 422 -- I 18 live on old Pine Flat Road.</p> <p>19 A. I know where it's at.</p> <p>20 Q. That's a great part of the world. 21 So I'm assuming you went to school 22 in the Lafayette County school system?</p> <p>23 A. Yes, sir. Class of '92.</p> <p>24 Q. Class of '78. I told you I'm older 25 than you are.</p>	<p style="text-align: right;">Page 15</p> <p>1 CHAD MCLARTY</p> <p>2 A. A little bit.</p> <p>3 Q. I have more gray than you, too.</p> <p>4 And you finished high school, and then what 5 happened?</p> <p>6 A. I went to Northwest Community 7 College in Senatobia for two years, and I came 8 back and I attended Ole Miss for a year. And 9 then I decided I wanted to do something a 10 little different, so that was the extent of my 11 education.</p> <p>12 Q. Okay. And so you finished school, 13 and you started on a path to something 14 different, which is certainly a good thing for 15 a lot of us to do. Where did that path take 16 you?</p> <p>17 A. From start to finish?</p> <p>18 Q. Well, if it goes on too long, I'll 19 speed it up.</p> <p>20 A. I mean, I came back home. I got a 21 job as a jailer for the Lafayette County 22 Sheriff's Department for a while.</p> <p>23 Q. Uh-huh.</p> <p>24 A. Saw that that wasn't my cup of tea. 25 I went to work for a natural gas company called</p>
<p style="text-align: right;">Page 16</p> <p>1 CHAD MCLARTY</p> <p>2 Entex at the time. It's now CenterPoint. 3 Worked for them for three years.</p> <p>4 And then I moved on to the City of 5 Oxford water department. I've been with them 6 for 23 years. I'm the superintendent over 7 water and sewer.</p> <p>8 I got elected county supervisor in 9 2012. This is my third term. I'm the vice 10 president of the board.</p> <p>11 I own a construction company called 12 MC Construction, where I employ four full-time 13 employees in the utility field outside of 14 Oxford.</p> <p>15 Q. I'm not going to dwell deeply in 16 any of that, but I'm going to hit a couple of 17 points. When you went to work with Entex, what 18 did you do? What was your position?</p> <p>19 A. Well, I maintained the distribution 20 lines for the natural gas company. We were out 21 there installing lines, repairing leaks, things 22 of that nature.</p> <p>23 Q. Okay. And then you went to work 24 with the City of Oxford in --</p> <p>25 A. The same principle, just different</p>	<p style="text-align: right;">Page 17</p> <p>1 CHAD MCLARTY</p> <p>2 product. Instead of working on gas lines, I 3 was working on water lines.</p> <p>4 Q. So you're dealing with pipes and 5 topography and maps and just the layout of 6 wherever the service is your employer provides. 7 You're pretty conversant with all of that, 8 then, I would trust, right?</p> <p>9 A. Yes, sir. Anything to do with the 10 distribution system. Yes, sir.</p> <p>11 Q. Okay. So -- and you said you were 12 superintendent or supervisor with the city's 13 water and sewage system?</p> <p>14 A. I'm the superintendent for the City 15 of Oxford water and sewer.</p> <p>16 Q. Okay. And what does that entail at 17 this point?</p> <p>18 A. I mean, I lead a 14-man crew on a 19 daily basis, maintain all the infrastructure in 20 the City of Oxford in our water and sewer 21 franchise area. I deal directly with the COO 22 and the city engineer and the mayor of Oxford.</p> <p>23 Q. Is it fair to say, then, that you 24 know Oxford, the boundaries and the layout, 25 pretty much like the back of your hand?</p>

<p style="text-align: right;">Page 22</p> <p>1 CHAD MCLARTY</p> <p>2 square, correct?</p> <p>3 A. I mean, yeah. I mean, if you're</p> <p>4 coming -- if that's your cup of tea that day</p> <p>5 and you want to shop for retail clothing, but</p> <p>6 there are a lot of other establishments around</p> <p>7 the square as far as bars and restaurants -- I</p> <p>8 mean, there's a mix of -- a lot of combinations</p> <p>9 of things that attract people to the square.</p> <p>10 Q. Okay. YaYa's Frozen Yogurt in the</p> <p>11 upper left-hand corner of the courthouse</p> <p>12 square, are you familiar with it?</p> <p>13 A. Never been in it, but I am familiar</p> <p>14 with it.</p> <p>15 Q. And what is it? Do you know?</p> <p>16 A. Frozen yogurt, ice cream. Like I</p> <p>17 said, I've never been inside the building.</p> <p>18 Q. What about The Blind Pig next to</p> <p>19 it?</p> <p>20 A. Pretty good place to eat.</p> <p>21 Q. Have you ever been in there?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is it popular?</p> <p>24 A. I mean, I've been in there when</p> <p>25 there's three or four people, and I've been in</p>	<p style="text-align: right;">Page 23</p> <p>1 CHAD MCLARTY</p> <p>2 there when there's 50 people. I'm assuming,</p> <p>3 yeah.</p> <p>4 Q. Okay. I forgot to ask -- no, you</p> <p>5 told me. I take that back.</p> <p>6 Do you ever get in the city at</p> <p>7 nighttime?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what is -- what does the square</p> <p>10 look like at nighttime on a Thursday, Friday,</p> <p>11 or Saturday night?</p> <p>12 A. Mr. Williams, it depends on -- it</p> <p>13 depends on what's going on, whether it's a</p> <p>14 football game weekend or baseball game weekend.</p> <p>15 I mean, there are a lot of different variables</p> <p>16 of what that square will look like at any given</p> <p>17 time. That's kind of an open-ended question.</p> <p>18 Q. Okay. So sometimes it's very busy?</p> <p>19 A. Yes, sir, sometimes it's so busy,</p> <p>20 they close down Jackson Avenue and Van Buren,</p> <p>21 you know, because of all the college kids and</p> <p>22 the traffic associated with those two roads.</p> <p>23 Q. And what would cause --</p> <p>24 (Simultaneous speakers.)</p> <p>25 ///</p>
<p style="text-align: right;">Page 24</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. What are events that might cause it</p> <p>4 to be that busy?</p> <p>5 A. Most of the time, it's</p> <p>6 university-related stuff, you know, whether</p> <p>7 it's football, baseball, basketball. You have</p> <p>8 a Double Decker festival when there's not a</p> <p>9 COVID issue that brings in a lot of people.</p> <p>10 And there are other events that I just can't</p> <p>11 think of right now, but . . .</p> <p>12 Q. Okay. And there are other times</p> <p>13 when it's not so busy?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And assuming homecoming is 10 on a</p> <p>16 scale of 1 to 10 insofar as busy is concerned,</p> <p>17 what is not so busy on a scale of 1 to 10?</p> <p>18 A. Mr. Williams, I don't -- maybe I'm</p> <p>19 confused at where you're going with this, but I</p> <p>20 mean, the City of Oxford square is a vibrant</p> <p>21 area. There's going to be people up there at</p> <p>22 all times. Now, whether it's a thousand people</p> <p>23 or whether it's 10,000 people is just related</p> <p>24 to what's going on that weekend.</p> <p>25 Q. When there's a lot of people, they</p>	<p style="text-align: right;">Page 25</p> <p>1 CHAD MCLARTY</p> <p>2 need to park, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Has parking been an issue in the</p> <p>5 city that you know of?</p> <p>6 A. It has been an issue. The City of</p> <p>7 Oxford just recently got through with a parking</p> <p>8 garage. I don't remember exactly how many cars</p> <p>9 it parked. 500, maybe. It seems to have</p> <p>10 really helped, but, like I said, when you've</p> <p>11 got 10-, 20,000 people coming to the square,</p> <p>12 even that can get overrun.</p> <p>13 Q. So on this map, where is the</p> <p>14 parking garage located? Can you tell me?</p> <p>15 A. It's north of Monroe Avenue. Might</p> <p>16 be west of Uptown Coffee.</p> <p>17 Q. Okay. So on this map, we see four</p> <p>18 long rectangles that at one point -- right</p> <p>19 behind Oxford Creamery and Uptown Coffee and</p> <p>20 north of Monroe -- at one time, those were just</p> <p>21 empty parking lots -- or parking lots; is that</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the parking garage is in there</p> <p>25 now?</p>

<p style="text-align: right;">Page 26</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, sir.</p> <p>3 Q. Let's see what else is up here.</p> <p>4 Right across from Uptown Coffee, across Lamar</p> <p>5 Boulevard, what do we have?</p> <p>6 A. That's the Lafayette County</p> <p>7 chancery building.</p> <p>8 Q. Okay. And what's in the chancery</p> <p>9 building?</p> <p>10 A. You've got chancery court; you've</p> <p>11 got your tax assessor's office; you've got</p> <p>12 Sherry Wall, which is the chancery clerk;</p> <p>13 you've got Joel Hollowell and them, which is</p> <p>14 the building -- building codes and zoning</p> <p>15 regulations; you've got the board of</p> <p>16 supervisors; the county administrator. I may</p> <p>17 be leaving somebody out. But that's the</p> <p>18 majority of them.</p> <p>19 Q. Mississippi has a unique court</p> <p>20 system -- a relatively unique court system. Do</p> <p>21 you know whether the chancery court, which is</p> <p>22 located in the chancery building, and the</p> <p>23 circuit court, which is located in the</p> <p>24 Lafayette County courthouse -- are you able to</p> <p>25 determine whether they're of equal stature?</p>	<p style="text-align: right;">Page 27</p> <p>1 CHAD MCLARTY</p> <p>2 Do you have that knowledge?</p> <p>3 A. No, sir, I do not.</p> <p>4 Q. Okay. I'm going to move past</p> <p>5 Exhibit A, and I'm going to bring some other</p> <p>6 maps up. And they're just Google Maps, but</p> <p>7 they're the satellite images as opposed to the</p> <p>8 map image. So I'm going to take Exhibit A off.</p> <p>9 And I'm going to put a new file in the chat</p> <p>10 box.</p> <p>11 And, Mr. McLarty, certainly show</p> <p>12 the screen to your counsel before we proceed.</p> <p>13 MR. O'DONNELL: I'm looking</p> <p>14 over his shoulder, Jack.</p> <p>15 MR. WILLIAMS: You can see</p> <p>16 it? Okay.</p> <p>17 (Exhibit B was marked for</p> <p>18 identification.)</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. Mr. McLarty, I'm handing you</p> <p>21 what -- I put on the screen, if you'll look</p> <p>22 down on the lower left-hand corner, it says</p> <p>23 Exhibit B.</p> <p>24 MR. O'DONNELL: We don't see</p> <p>25 it.</p>
<p style="text-align: right;">Page 28</p> <p>1 CHAD MCLARTY</p> <p>2 MR. WILLIAMS: I've got to</p> <p>3 share the screen. Thank you for</p> <p>4 saying that.</p> <p>5 BY MR. WILLIAMS:</p> <p>6 Q. Okay. Now do you see it?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And can you tell me what this is?</p> <p>9 A. It's a satellite imagery of the</p> <p>10 same map you showed on Exhibit A.</p> <p>11 Q. So it fairly and accurately</p> <p>12 represents the layout of Oxford on and around</p> <p>13 the square. Is that a fair assessment?</p> <p>14 A. Yes, sir.</p> <p>15 Q. That was quick. I'm going to bring</p> <p>16 in a few more.</p> <p>17 (Exhibit C was marked for</p> <p>18 identification.)</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. Mr. McLarty, I have a document that</p> <p>21 has Exhibit C in the lower corner on your</p> <p>22 screen.</p> <p>23 A. I'm looking at it.</p> <p>24 Q. Can you tell me what that is?</p> <p>25 A. It looks like the same picture as</p>	<p style="text-align: right;">Page 29</p> <p>1 CHAD MCLARTY</p> <p>2 Exhibit B but zoomed in closer.</p> <p>3 Q. That's a fair assessment. It's</p> <p>4 just a zoomed-in satellite photograph of the</p> <p>5 square and the surrounding area. Is that a</p> <p>6 fair and accurate representation of how the</p> <p>7 square and the surrounding streets and</p> <p>8 buildings are laid out, to the best of your</p> <p>9 knowledge?</p> <p>10 A. To the best of my knowledge, yes,</p> <p>11 sir.</p> <p>12 Q. If there are changes, they are not</p> <p>13 remarkable, with the exception of the addition</p> <p>14 of a parking garage probably; is that fair?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It may be Smitty's being torn down,</p> <p>17 which is a shame.</p> <p>18 (Exhibit D was marked for</p> <p>19 identification.)</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. Okay. Mr. McLarty, this is another</p> <p>22 Google satellite image, but it's a little</p> <p>23 different. Can you tell me what it is?</p> <p>24 A. I mean, it's the center of -- the</p> <p>25 image is the chancery building, it appears.</p>

<p style="text-align: right;">Page 30</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And the chancery building is 3 the building you described a moment ago that 4 houses the chancery court and the board of 5 supervisors' office and the tax collector and 6 so on?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And do you see the little 9 marker in the upper left-hand corner that says, 10 Search Google Maps and See travel times and 11 such?</p> <p>12 A. Yes, sir, I do.</p> <p>13 Q. The new parking garage is below 14 that, in essence, in what was a parking lot; is 15 that fair?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. I am going to take us 18 back -- I'll have to see which one it is.</p> <p>19 So I've returned to the exhibit 20 that we've marked as C. And this is centered 21 on the courthouse square. Will you tell -- 22 will you describe generally how the courthouse 23 is laid out in the square and the grounds?</p> <p>24 A. I mean, basically, the courthouse 25 property is an octagon, for the most part, with</p>	<p style="text-align: right;">Page 31</p> <p>1 CHAD MCLARTY</p> <p>2 the south side being extended out where the 3 Confederate monument is at.</p> <p>4 Q. Okay. Now there's a south side and 5 a north side. Do they both have entrances?</p> <p>6 A. They both have sidewalk entrances, 7 yes, sir.</p> <p>8 Q. Okay. And what about -- what about 9 the grounds themselves around the courthouse?</p> <p>10 MR. O'DONNELL: Object to 11 form. You can answer, if you can.</p> <p>12 A. I mean, the grounds themselves -- I 13 mean, you've got sidewalks coming north and 14 south, all the way around the courthouse. 15 You've got sidewalks that go out to the street 16 on the east and west side. There's a dozen or 17 so big oak trees and grassy areas in between 18 the sidewalk and the fence.</p> <p>19 Q. Are there park benches?</p> <p>20 A. Yes, sir, there are a few park 21 benches. I don't remember how many, but . . .</p> <p>22 Q. Now, can you see my cursor move on 23 the screen? You may not be able to.</p> <p>24 A. Yes, sir, I can see it.</p> <p>25 Q. Okay. So I'm going around the</p>
<p style="text-align: right;">Page 32</p> <p>1 CHAD MCLARTY</p> <p>2 perimeter of the courthouse grounds. Would you 3 describe any fencing?</p> <p>4 A. It's a wrought iron fencing.</p> <p>5 Q. It's been there as long as you've 6 been going to the square, I'd bet. Is that a 7 fair assessment?</p> <p>8 A. As long as I can remember, yes, 9 sir.</p> <p>10 Q. Okay. And so there's wrought iron 11 fencing, but there are four entrance ways, 12 four -- I'm going to use "gates" momentarily -- 13 on the north, south, east, and west side of the 14 courthouse grounds, right?</p> <p>15 A. There are four openings to the 16 courthouse. There are no gates.</p> <p>17 Q. What about entranceways?</p> <p>18 A. What do you mean, Mr. Williams?</p> <p>19 Q. Well, I mean, do -- when David 20 wants to defend a client in circuit court or 21 sue on behalf of a plaintiff, does he have to 22 scale the gates in order to get in the 23 courthouse door?</p> <p>24 A. No, sir. There's no gates on the 25 wrought iron fencing. There are four openings.</p>	<p style="text-align: right;">Page 33</p> <p>1 CHAD MCLARTY</p> <p>2 The north and the south probably are 6-, 7-foot 3 wide entrance, and -- where there's no fencing 4 at all. And the east and west side are 5 probably a little smaller, but there's no 6 gates.</p> <p>7 Q. And outside of each of those 8 entranceways, it leads into a crosswalk that 9 allows pedestrians to get to or from the 10 courthouse. Is that a fair assessment?</p> <p>11 A. That's correct.</p> <p>12 Q. Describe for me the signs on the 13 fence that advise people of what access rights 14 they have to the courthouse grounds.</p> <p>15 A. I can't, Mr. Williams. I don't -- 16 I don't -- I don't have an answer to that 17 question.</p> <p>18 Q. Do you know whether there are any 19 signs that restrict access -- or at least 20 announce restriction of access to the grounds, 21 other than signs that state that some of the 22 parking spots are reserved for the sheriff and 23 for deputies and for judges?</p> <p>24 A. The only signs that I can remember 25 are reserved parking signs. But there could be</p>

<p style="text-align: right;">Page 34</p> <p>1 CHAD MCLARTY</p> <p>2 others. I'm just not up there every day,</p> <p>3 so . . .</p> <p>4 Q. There are none of which you know?</p> <p>5 A. None of which I know, yes, sir.</p> <p>6 Q. Are there any events that take</p> <p>7 place on and around the square on a regular</p> <p>8 basis that you know of?</p> <p>9 A. On a regular basis? No, sir.</p> <p>10 Q. Did you ever go to the Christmas</p> <p>11 parade when you were young?</p> <p>12 A. Yes, sir, I did.</p> <p>13 Q. I didn't ask whether you have</p> <p>14 children. Do you have children?</p> <p>15 A. I have three.</p> <p>16 Q. Have you taken them to the</p> <p>17 Christmas parade?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So describe the Christmas parade</p> <p>20 for me, if you please.</p> <p>21 A. I mean, Mr. Williams, I guess it's</p> <p>22 like any other parade with Santa Claus at the</p> <p>23 end. I don't know how to describe a parade.</p> <p>24 Marching bands, different floats, throwing</p> <p>25 candy. That's the best I can do.</p>	<p style="text-align: right;">Page 35</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Is it poorly attended?</p> <p>3 A. No, sir. It's a good many people</p> <p>4 up there when the City of Oxford hosts a</p> <p>5 Christmas parade or allows it to be hosted. I</p> <p>6 don't think they actually run it, but, I mean,</p> <p>7 there's -- there's several thousand people.</p> <p>8 Q. I would like to tell you that</p> <p>9 organization is my strong suit, but I'd be</p> <p>10 lying to you.</p> <p>11 A. Fair enough.</p> <p>12 Q. So I'm back to the -- just the map.</p> <p>13 The Christmas parade, where does it begin?</p> <p>14 A. Well, you've got to understand,</p> <p>15 Mr. Williams, my kids are -- my oldest is 25;</p> <p>16 my youngest is 20. So it's been several years</p> <p>17 since I attended a Christmas parade. When I</p> <p>18 did attend, it started at Midtown Shopping</p> <p>19 Center and went to the university. Since then,</p> <p>20 I think it's changed, but I'm --</p> <p>21 Q. So --</p> <p>22 I'm sorry. I don't mean to be</p> <p>23 speaking over you. That's a cardinal sin, and</p> <p>24 Ms. Duckett is going to throw something at me</p> <p>25 through the screen if I continue to do that.</p>
<p style="text-align: right;">Page 36</p> <p>1 CHAD MCLARTY</p> <p>2 So Midtown Shopping Center, it's</p> <p>3 off of this map. It's north of -- on North</p> <p>4 Lamar, correct?</p> <p>5 A. Correct. It's at the intersection</p> <p>6 of North Lamar and Price Street.</p> <p>7 Q. And North Lamar, approximately</p> <p>8 how -- from Jefferson Street to Price Street,</p> <p>9 approximately how far is that? Can you</p> <p>10 reasonably estimate that?</p> <p>11 A. Best guess, a quarter of a mile.</p> <p>12 Q. Okay. And so the parade comes down</p> <p>13 Lamar Boulevard. Does it go around the</p> <p>14 courthouse square?</p> <p>15 A. When I was attending the parade, it</p> <p>16 did go around the west side of the square and</p> <p>17 continue on to South Lamar.</p> <p>18 Q. And then -- so it would continue</p> <p>19 down here to South Lamar, and then we can't see</p> <p>20 it on the map. But would it go to</p> <p>21 University -- would the parade go to University</p> <p>22 Avenue and then turn west and go to the campus?</p> <p>23 A. I mean, years ago, it used to turn</p> <p>24 down University Avenue. But I think that got</p> <p>25 changed where it actually went west to the</p>	<p style="text-align: right;">Page 37</p> <p>1 CHAD MCLARTY</p> <p>2 university campus.</p> <p>3 Q. Okay. And so when you were talking</p> <p>4 about a thousand or more people attending, were</p> <p>5 they on both sides of Lamar, and did they</p> <p>6 populate the courthouse grounds as they watched</p> <p>7 the floats and the parades go by -- the floats</p> <p>8 and the bands?</p> <p>9 A. Again, Mr. Williams, I can't speak</p> <p>10 to that. I mean, yes, they were on both sides</p> <p>11 of North Lamar. I always stood at the Graduate</p> <p>12 Hotel area. That's where I watched the parade,</p> <p>13 and that's as far as I can tell you what</p> <p>14 happened.</p> <p>15 Q. You never saw the parade or crowds</p> <p>16 south of the Graduate Hotel?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay. And the Graduate Hotel on</p> <p>19 the map --</p> <p>20 A. North Lamar and Jefferson.</p> <p>21 Q. It's Jefferson and North Lamar</p> <p>22 Boulevard, right?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Tell me about Christmas</p> <p>25 lights on the square at Christmastime.</p>

<p style="text-align: right;">Page 38</p> <p>1 CHAD MCLARTY</p> <p>2 A. I mean, that's a City of Oxford</p> <p>3 agenda. I mean, there are lights up, but, I</p> <p>4 mean, I can't speak to anything about them.</p> <p>5 Q. Do they extend to the courthouse?</p> <p>6 A. Yes, sir. There were cables</p> <p>7 installed that allow the Christmas lights to go</p> <p>8 aerial.</p> <p>9 Q. Since you've been a supervisor, has</p> <p>10 there been any discussion as to whether that</p> <p>11 should be permitted?</p> <p>12 A. No, sir.</p> <p>13 Q. Has there been any discussion as to</p> <p>14 whether the lights provide a distraction to</p> <p>15 motorists?</p> <p>16 A. Not to my knowledge.</p> <p>17 (Exhibit F was marked for</p> <p>18 identification.)</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. So, Mr. McLarty, I've got a</p> <p>21 document that has Exhibit F at the lower</p> <p>22 left-hand corner. And I doubt you know the</p> <p>23 young lady. Her name is Emma York, though.</p> <p>24 Short of identifying the girl in</p> <p>25 the photograph, do you know what that is?</p>	<p style="text-align: right;">Page 39</p> <p>1 CHAD MCLARTY</p> <p>2 MR. O'DONNELL: Jack, we</p> <p>3 don't -- we don't have a</p> <p>4 photograph.</p> <p>5 MR. WILLIAMS: I guess you're</p> <p>6 not going to go into the</p> <p>7 mind-reading mode. Let me get that</p> <p>8 up. Now do you see Exhibit F?</p> <p>9 MR. O'DONNELL: Yeah.</p> <p>10 BY MR. WILLIAMS:</p> <p>11 Q. Okay. So I'm lowering it right</p> <p>12 now.</p> <p>13 A. Yes, sir. That is the courthouse</p> <p>14 with the Christmas lights attached to it.</p> <p>15 Q. Okay. And what do you see in the</p> <p>16 young woman's hand?</p> <p>17 A. It looks like YaYa's.</p> <p>18 Q. Which is the yogurt store, right?</p> <p>19 A. That's correct.</p> <p>20 Q. Does it startle you to see that</p> <p>21 somebody may have taken a photograph of their</p> <p>22 child under the Christmas lights with --</p> <p>23 A. No, sir, not at all.</p> <p>24 Q. Why not?</p> <p>25 A. I mean, what was the previous --</p>
<p style="text-align: right;">Page 40</p> <p>1 CHAD MCLARTY</p> <p>2 the next question, Mr. Williams?</p> <p>3 Q. Well, are you startled to see a</p> <p>4 photograph of a child underneath all of the</p> <p>5 Christmas lights, eating frozen yogurt on the</p> <p>6 courthouse grounds?</p> <p>7 A. No, sir, I'm not. I mean, it</p> <p>8 appears to be cold in that picture. I don't</p> <p>9 know that I would want frozen yogurt when it's</p> <p>10 cold, but . . .</p> <p>11 Q. Do people wander across the</p> <p>12 courthouse grounds?</p> <p>13 A. Yes, sir, they do.</p> <p>14 Q. And why do they do that?</p> <p>15 A. To get from point A to point B. I</p> <p>16 mean, it's the -- it's the center of the</p> <p>17 square.</p> <p>18 Q. And you can certainly walk around</p> <p>19 the square, but the shortest direction is to</p> <p>20 cut across the grounds; is that fair?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Would you consider the courthouse</p> <p>23 grounds to be an inviting place?</p> <p>24 A. I mean, it's an historical</p> <p>25 building. I mean, it's -- in my eyes, it's</p>	<p style="text-align: right;">Page 41</p> <p>1 CHAD MCLARTY</p> <p>2 aesthetically pleasing. So I mean, yeah,</p> <p>3 personally, but I can't speak for everybody.</p> <p>4 Q. A lot of people probably consider</p> <p>5 it to be an attractive space. Is that a fair</p> <p>6 assessment?</p> <p>7 A. I mean, my opinion, Mr. Williams,</p> <p>8 personally, yes, I would agree.</p> <p>9 Q. I know the city is not a body and</p> <p>10 the county is not a body, but do you know</p> <p>11 whether the county takes pride in the</p> <p>12 courthouse and its appearance and the way that</p> <p>13 it's the center of the community?</p> <p>14 A. Yes, sir, we do.</p> <p>15 Q. And I know you're not Mayor</p> <p>16 Tannehill or part of that governing body, but</p> <p>17 is it fair to say that it's the pride of the</p> <p>18 city also?</p> <p>19 A. I can't speak for them.</p> <p>20 Q. Okay. I've tried to minimize the</p> <p>21 hoops that you have to jump through to see</p> <p>22 these photographs, but you have to jump through</p> <p>23 some hoops for this one. And I'm going to</p> <p>24 apologize on the front end. Well, you're not</p> <p>25 going to be able to do it, because you're not</p>

<p style="text-align: right;">Page 42</p> <p>1 CHAD MCLARTY</p> <p>2 downloading documents. Let me see if I can do</p> <p>3 it another way.</p> <p>4 (Exhibit G was marked for</p> <p>5 identification.)</p> <p>6 MR. WILLIAMS: Okay. So this</p> <p>7 document is not marked as Exhibit</p> <p>8 G. It was meant to be. How do I</p> <p>9 solve that problem for you,</p> <p>10 Ms. Duckett?</p> <p>11 (Technical discussion.)</p> <p>12 BY MR. WILLIAMS:</p> <p>13 Q. So this has two links, and I'm</p> <p>14 going to click them. You can't see my screen,</p> <p>15 I bet, though. Let's fix that.</p> <p>16 Okay. So I have a document, and it</p> <p>17 has links to images of the Double Decker</p> <p>18 festival. And I'm going to click one of them.</p> <p>19 Okay. So do you see the image of the</p> <p>20 courthouse with people all around it on my</p> <p>21 screen?</p> <p>22 A. No, sir, I do not.</p> <p>23 (Technical discussion.)</p> <p>24 Q. So this is the first click on that</p> <p>25 document. Do you see the photograph in the --</p>	<p style="text-align: right;">Page 43</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, I see it now.</p> <p>3 Q. And there's certainly no way to</p> <p>4 know whether you were there or I was there.</p> <p>5 But do you recognize what it is?</p> <p>6 A. It appears to be the Double Decker</p> <p>7 festival.</p> <p>8 Q. So tell me about the Double Decker</p> <p>9 festival.</p> <p>10 A. It's a -- it's a city event that</p> <p>11 attracts a lot of people. There are a lot of</p> <p>12 art vendors and different-type vendors that set</p> <p>13 up in the parking lot area. They close off the</p> <p>14 square for vehicular traffic, and it's a nice</p> <p>15 event.</p> <p>16 Q. So if I look at the -- I'm having a</p> <p>17 hard time orienting myself. I'm assuming</p> <p>18 that's probably -- if I look at the upper end,</p> <p>19 I'm assuming that's the northern end of the</p> <p>20 square. I see a stage. Do you know what that</p> <p>21 is?</p> <p>22 A. That's -- to me, that appears to be</p> <p>23 the south side on the upper end. To me, on the</p> <p>24 bottom of the picture, you have First National</p> <p>25 Bank and the Thompson building.</p>
<p style="text-align: right;">Page 44</p> <p>1 CHAD MCLARTY</p> <p>2 Q. I stand corrected, because I see</p> <p>3 City Grocery in the right-hand at about</p> <p>4 2 o'clock. Okay.</p> <p>5 So that stage, do you know the</p> <p>6 function of the stage?</p> <p>7 A. I really don't remember the stage</p> <p>8 being on the south side, but I mean, they bring</p> <p>9 in live -- live music. I mean, they have</p> <p>10 different bands and artists come perform.</p> <p>11 Q. So it's a -- in addition to having</p> <p>12 artists who display their wares -- and we see</p> <p>13 that on the tents on the left and right side of</p> <p>14 the screen -- there are also musicians who play</p> <p>15 on the stage, right?</p> <p>16 A. That's correct.</p> <p>17 Q. Are there people on the courthouse</p> <p>18 grounds during these events?</p> <p>19 A. Yes, sir.</p> <p>20 Q. About how many people could fit on</p> <p>21 the courthouse grounds? Can you assess that?</p> <p>22 A. Mr. Williams, I -- that would be</p> <p>23 like taking a stab in the dark. I don't know.</p> <p>24 Q. More than 10?</p> <p>25 A. Yes, sir. That would be an</p>	<p style="text-align: right;">Page 45</p> <p>1 CHAD MCLARTY</p> <p>2 accurate statement.</p> <p>3 Q. More than 50?</p> <p>4 A. I don't know.</p> <p>5 Q. I'm getting ready to click the</p> <p>6 second link. And I'll have to share the screen</p> <p>7 again. And what do we have here?</p> <p>8 A. The same -- it looks like the same</p> <p>9 event, just a different camera angle zoomed in</p> <p>10 on the courthouse more.</p> <p>11 Q. Are there tents on the courthouse</p> <p>12 square?</p> <p>13 A. It appears to be, yes, sir.</p> <p>14 Q. And people milling around?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It looks like there are a lot of</p> <p>17 tents that are circling the perimeter of the</p> <p>18 square. Do you know what is housed under</p> <p>19 those?</p> <p>20 A. Most of the time, that's the food</p> <p>21 vendors, because the courthouse grounds, years</p> <p>22 ago, was set up to -- to be the power supply</p> <p>23 for most of the vendors that were serving food.</p> <p>24 Q. Okay. And how did that work?</p> <p>25 A. I was not a supervisor at the time</p>

<p style="text-align: right;">Page 46</p> <p>1 CHAD MCLARTY</p> <p>2 when that came to light, but I do know, because 3 of my employment with the City of Oxford 4 Utilities, that there was a lot of 5 infrastructure work done around the courthouse 6 to provide power to those vendors.</p> <p>7 Q. Did the county approve that?</p> <p>8 A. I assume, Mr. Williams. That was 9 before my time as board supervisor, so . . .</p> <p>10 Q. Well, that is in the county's 11 jurisdiction, right or wrong?</p> <p>12 A. The courthouse grounds, yes, sir, 13 they're in the county jurisdiction.</p> <p>14 Q. And any changes --</p> <p>15 (Simultaneous speakers.)</p> <p>16 A. Go ahead.</p> <p>17 Q. Any changes to the infrastructure 18 that would be the responsibility -- at least 19 approval, would be the responsibility of the 20 county?</p> <p>21 A. I would think so, yes, sir.</p> <p>22 Q. Now, if I recall correctly -- and 23 correct me if I'm mistaken -- you said that on 24 some weekends with particularly well-attended 25 events, that some of the streets leading into</p>	<p style="text-align: right;">Page 47</p> <p>1 CHAD MCLARTY</p> <p>2 or out of the square are closed off? Do I 3 recall that correctly?</p> <p>4 A. Yes, sir. The City of Oxford had 5 put up -- they put up bollards and at certain 6 points in times, I'm assuming it would be left 7 up to the police chief, Jeff McCutchen, on 8 whether or not to close the road due to 9 pedestrian traffic.</p> <p>10 Q. And I'm going to go back to 11 Exhibit A.</p> <p>12 So if we turn to Exhibit A, which 13 is just the map, do you have that up on your 14 screen now?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And to the best of your 17 recollection, what roads have been barricaded 18 to -- I guess, for the benefit of pedestrian 19 traffic?</p> <p>20 A. The one road in particular that 21 gets closed that I've seen personally is East 22 Jackson Avenue, just west of the square.</p> <p>23 Q. Okay. And so looking on this map, 24 then, East Jackson Avenue runs -- is the 25 northern boundary of the courthouse, correct?</p>
<p style="text-align: right;">Page 48</p> <p>1 CHAD MCLARTY</p> <p>2 A. Correct.</p> <p>3 Q. And so are you saying it's 4 barricaded approximately where YaYa's Frozen 5 Yogurt is?</p> <p>6 A. No, sir. Further to the west. 7 Right there.</p> <p>8 Q. Okay. And so you see where the 9 Renasant Bank sign is?</p> <p>10 A. Yes, sir.</p> <p>11 Q. About there?</p> <p>12 A. Correct.</p> <p>13 Q. And to the west, about how far?</p> <p>14 A. I think it goes all the way down to 15 Ninth Street.</p> <p>16 Q. So Ninth Street is the street that 17 borders the federal courthouse and St. Peter's 18 Episcopal, correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Now, if we go south of that area, 21 we see Saint Leo's, which I think this was 22 their bar, if I remember correctly, and it says 23 "takeout." We have Rafters. What is Rafters?</p> <p>24 A. It's a restaurant/bar.</p> <p>25 Q. And then the Library is down here.</p>	<p style="text-align: right;">Page 49</p> <p>1 CHAD MCLARTY</p> <p>2 What's the Library?</p> <p>3 A. It's a restaurant/bar, as well.</p> <p>4 Q. The Library does an enviable 5 business. Is that fair to say?</p> <p>6 A. It seems to be a pretty popular 7 place.</p> <p>8 Q. Yeah, okay. And so in between the 9 Library and this row of buildings right on the 10 square, am I correct in recalling that that's 11 an alleyway?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. When the square is really 14 busy, do you know whether people walk up and 15 down and mill around it?</p> <p>16 A. To the best of my knowledge, yes, 17 sir. They barricade it off, too.</p> <p>18 Q. Okay. And of course, we have Ajax, 19 which that's a restaurant and a bar, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And even though it's not mentioned 22 on here, Boure is a restaurant and a bar, and 23 it's in the general vicinity of YaYa's; is that 24 correct?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 50</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And adjacent to Square Books 3 down here on the southern end, that's City 4 Grocery, and it's a high-end restaurant and a 5 bar; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Have you ever been in the bar 8 upstairs?</p> <p>9 A. I have.</p> <p>10 Q. Does it ever fill up?</p> <p>11 A. It wasn't that night.</p> <p>12 Q. You've only been once?</p> <p>13 A. I've only been once. You said it 14 was high-end.</p> <p>15 Q. And then down here in the southeast 16 quadrant, we have Proud Larry's, and that's a 17 restaurant and a bar, right?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Is it fair to say that -- I 20 think that beeping is on my end, and I don't 21 know what it is. I'm sorry for the 22 distraction.</p> <p>23 Is it fair to say that these are 24 all establishments that are popular with people 25 who are on the square to celebrate an event?</p>	<p style="text-align: right;">Page 51</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, sir, I guess that's a fair 3 statement.</p> <p>4 Q. Is it fair to say that's part of 5 the reason why this section of East Jackson is 6 closed off, is because there are so many people 7 milling about?</p> <p>8 A. That would be my take on it, 9 Mr. Williams.</p> <p>10 Can I interrupt you a minute to use 11 the restroom?</p> <p>12 MR. WILLIAMS: Absolutely.</p> <p>13 THE VIDEOGRAPHER: We're off 14 the record. The time is 10:14 a.m. (Recess from 10:14 a.m. to 16 10:25 a.m.)</p> <p>17 THE VIDEOGRAPHER: We are 18 back on the record. The time is 19 10:25 a.m.</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. Mr. McLarty, before we broke, we 22 were discussing the fact that there are some 23 times when the square -- can you hear me?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. There are some times when</p>
<p style="text-align: right;">Page 52</p> <p>1 CHAD MCLARTY</p> <p>2 the square is pretty vibrant and active. Is 3 that a fair assessment?</p> <p>4 A. That's correct. I mean, when 5 college is in session, I mean, it's -- it's 6 more than normal.</p> <p>7 Q. Well, so tell me about when college 8 is in session. How is it more than normal?</p> <p>9 A. Well, I mean, you get the majority 10 of your college kids coming up there at night, 11 bar hopping, I mean, for lack of a better word.</p> <p>12 Q. I never did that when I was in 13 school. But I understand that to have been the 14 case. And on weekends when alumni are in town, 15 a lot of parents and kids on the square, eating 16 out and going to the bars?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you think the Oxford Police 19 Department manages that sort of excitement and 20 vibrance responsibly?</p> <p>21 A. I mean, from my opinion, for what 22 it's worth, you know, I think they do a pretty 23 good job. You know, it's a pedestrian 24 nightmare up there at times.</p> <p>25 Q. Explain that, please.</p>	<p style="text-align: right;">Page 53</p> <p>1 CHAD MCLARTY</p> <p>2 A. Well, you've got so many people, 3 whether it be the majority college-aged kids or 4 alumni. I mean, you've only got so many square 5 foot of buildings they can get into. And, I 6 mean, there's a line, like -- some nights I've 7 seen a line at the Library that would stretch 8 500 yards long, trying to get in that building.</p> <p>9 Q. Okay. I'm going to pull Exhibit A 10 up again. So the Library is the bar -- and I 11 guess it's a restaurant, because I think in 12 Mississippi you have to serve food.</p> <p>13 A. You have to serve food. That's 14 correct.</p> <p>15 Q. But it's on Van Buren on the west 16 side of the square and that little alley that 17 we were talking about a moment ago, right?</p> <p>18 A. That's correct.</p> <p>19 Q. And so when you say there's a line, 20 is it -- does that line extend up the alleyway 21 towards --</p> <p>22 A. It goes all the way up the alleyway 23 to East Jackson and then will turn, depending 24 on the night and who is in charge, I guess, 25 whether it goes east or west on Jackson.</p>

<p style="text-align: right;">Page 54</p> <p>1 CHAD MCLARTY</p> <p>2 Q. So it extends a full block, in 3 essence, is that -- am I reading the map 4 correctly and listening to you correctly?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. I'm in the wrong business. 7 Do you know how the Oxford Police 8 Department manages crowds like that? I mean, 9 do you have any familiarity with or 10 understanding generally?</p> <p>11 A. I do not.</p> <p>12 Q. Okay. Have you ever had a chance 13 to inquire about it?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know whether there are any 16 cameras on the square? When I say "cameras," 17 cameras that are monitored by the Oxford Police 18 Department?</p> <p>19 A. Yes, sir, I know that there are 20 cameras. I can't tell you how many.</p> <p>21 Q. Are there any cameras on the 22 Lafayette County courthouse grounds?</p> <p>23 A. There are cameras inside the 24 building. There's none on the exterior of the 25 building, to my knowledge, due to Archives and</p>	<p style="text-align: right;">Page 55</p> <p>1 CHAD MCLARTY</p> <p>2 History not allowing them. But Sheriff East 3 has gotten two cameras installed, I believe, on 4 city-owned light poles that project on the 5 north and south side of the courthouse.</p> <p>6 Q. And when did that happen?</p> <p>7 A. When he took office, right after he 8 took office. February -- sometime around that 9 general time in 2020.</p> <p>10 Q. February of 2020?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did he discuss that with the board 13 beforehand?</p> <p>14 A. Yes, he did.</p> <p>15 Q. And what did he state?</p> <p>16 A. He just felt like that the camera 17 angles that the city had -- because 18 Sheriff East used to be the police chief of the 19 city -- there were some blind spots around the 20 courthouse, and he wanted to try to have a 21 better visual view of that. And so we 22 authorized him to put up two cameras. Again, I 23 don't know exactly where he staged them, but I 24 do know that they're not on the building.</p> <p>25 Q. Do you know whether they're</p>
<p style="text-align: right;">Page 56</p> <p>1 CHAD MCLARTY</p> <p>2 monitored by someone in the sheriff's office?</p> <p>3 A. I don't know that for sure, but I 4 believe they are on the same fiber line or 5 software that goes to OPD, and I think OPD 6 monitors it, to the best of my recollection.</p> <p>7 Q. Which I guess makes sense, because 8 when things are really vibrant, they're on the 9 square anyway, right?</p> <p>10 A. They're in that general vicinity, 11 yes, sir.</p> <p>12 Q. Okay. I'm going to shift gears on 13 you.</p> <p>14 (Exhibit H was marked for 15 identification.)</p> <p>16 BY MR. WILLIAMS:</p> <p>17 Q. Okay. Have I successfully shared 18 the screen?</p> <p>19 A. I've got it on my screen, yes, sir.</p> <p>20 Q. Okay. So this is a email from 21 Sherry Wall. And what I'm including is a 22 document entitled, Order: Amendment To Facility 23 Use Ground -- Regarding Use Of Courthouse 24 Grounds. And it bears the Lafayette County 25 Bates --</p>	<p style="text-align: right;">Page 57</p> <p>1 CHAD MCLARTY</p> <p>2 MR. WILLIAMS: Are they still 3 Bates numbers, David?</p> <p>4 MR. O'DONNELL: They should 5 be.</p> <p>6 MR. WILLIAMS: I mean, it's 7 been so long. Nobody uses stamps 8 anymore, though, right?</p> <p>9 MR. O'DONNELL: Right. 10 They're electronically affixed. 11 You'll see the Bates number is 12 actually upside down on your 13 document. It's at the top.</p> <p>14 MR. WILLIAMS: So it's 15 Lafayette County Doc000394, if I'm 16 reading it correctly.</p> <p>17 MR. O'DONNELL: Looks like 18 it.</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. Mr. McLarty, are you familiar with 21 this document?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Tell me what it is.</p> <p>24 A. I mean, it's an amendment to the 25 facility use policy regarding the courthouse</p>

<p>1 CHAD MCLARTY</p> <p>2 grounds.</p> <p>3 Q. And this is a true and authentic --</p> <p>4 let me back up. Strike that.</p> <p>5 Is this the policy that's in place</p> <p>6 now insofar as -- or is this incorporated in</p> <p>7 the usage policy for the courthouse grounds?</p> <p>8 A. The -- the four person -- less than</p> <p>9 four people around the Confederate memorial</p> <p>10 holds true. But I thought we had changed the</p> <p>11 30 days to 14.</p> <p>12 Q. You know, now that you mention it,</p> <p>13 there's a later document that I'll get to</p> <p>14 that -- I think that it states that. But this</p> <p>15 will -- did I hear David in the background?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. Tell me how this came about.</p> <p>18 A. I mean, Mr. Williams, sometimes</p> <p>19 it's hard to remember what I did last week,</p> <p>20 much less a year ago, eight months ago.</p> <p>21 But we were -- the county</p> <p>22 administrator, we had conversations with her</p> <p>23 because we were -- her office was getting</p> <p>24 flooded at times -- and I don't -- I'm not</p> <p>25 looking at the date on this right now -- but</p>	<p>Page 58</p> <p>1 CHAD MCLARTY</p> <p>2 with permit requests. And, you know, we were</p> <p>3 trying to make it where -- there was so much</p> <p>4 going on at that time frame, if I'm thinking</p> <p>5 when this happened -- that we felt like we</p> <p>6 needed to loosen up on our restrictions,</p> <p>7 because so many people wanted to -- to -- I</p> <p>8 don't know if "protest" is the word I need to</p> <p>9 use -- voice their First Amendment right.</p> <p>10 And we felt like four people could</p> <p>11 do that around the Confederate memorial without</p> <p>12 impeding pedestrian traffic, because the</p> <p>13 crosswalk comes right up to it. Any more than</p> <p>14 four would create a safety hazard, in my</p> <p>15 professional opinion. That's the gist of where</p> <p>16 that came about.</p> <p>17 MR. WILLIAMS: I'm going to</p> <p>18 have to apologize. I've got</p> <p>19 5 percent on my computer. I'm</p> <p>20 going to have to go grab my power</p> <p>21 cord real quickly. I am so sorry.</p> <p>22 Hold that thought.</p> <p>23 THE VIDEOGRAPHER: We are off</p> <p>24 the record. The time is 10:40 a.m.</p> <p>25 (Off-the-record discussion)</p>
<p>1 CHAD MCLARTY</p> <p>2 from 10:40 a.m. to</p> <p>3 10:42 a.m.)</p> <p>4 THE VIDEOGRAPHER: We are</p> <p>5 back on the record. The time is</p> <p>6 10:42 a.m.</p> <p>7 BY MR. WILLIAMS:</p> <p>8 Q. Mr. McLarty, if I recall correctly,</p> <p>9 you testified that the county administrator</p> <p>10 brought a concern to the board's attention; is</p> <p>11 that correct?</p> <p>12 A. I don't understand that,</p> <p>13 Mr. Williams.</p> <p>14 Q. Well, then let's get me -- let's</p> <p>15 get me in between the lines again.</p> <p>16 How did this issue come to the</p> <p>17 board's attention? And I apologize --</p> <p>18 MR. O'DONNELL: Object to</p> <p>19 form.</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. -- if you've answered this, but I</p> <p>22 didn't write it down well enough.</p> <p>23 MR. O'DONNELL: You can</p> <p>24 answer.</p> <p>25 A. We -- the sheriff was in contact</p>	<p>Page 60</p> <p>1 CHAD MCLARTY</p> <p>2 with the county administrator, which relayed</p> <p>3 the sheriff's concerns to us and things that</p> <p>4 were going on at the time. We met as a board</p> <p>5 in executive session and had a discussion about</p> <p>6 it, and we came up with what we felt was a</p> <p>7 policy that would allow some people to stand</p> <p>8 out on the Confederate memorial without having</p> <p>9 to apply for a permit, which the county</p> <p>10 administrator was getting a lot of permit</p> <p>11 requests.</p> <p>12 We felt like we were just laxing</p> <p>13 our policy a little bit to allow somebody to</p> <p>14 express their First Amendment right. And as</p> <p>15 long as they kept it to a small group, we</p> <p>16 didn't feel the need, if they were less than</p> <p>17 four, that -- and they stayed outside of</p> <p>18 courthouse grounds -- if I remember correctly,</p> <p>19 they had to be around the monument itself. If</p> <p>20 it came inside the wrought iron fence, I still</p> <p>21 think that it was one or more.</p> <p>22 But for an organized event would</p> <p>23 require a permit. I might be not correct on</p> <p>24 that, but I think that's the way it was worded.</p> <p>25 I mean, so yes, I mean, it was a conversation</p>

<p style="text-align: right;">Page 62</p> <p>1 CHAD MCLARTY 2 between the county administrator, the sheriff, 3 and they brought concerns to us. 4 Q. Okay. Let's switch gears. And I 5 think this document will confirm your 6 recollection about the timeline being changed. 7 I'm going to go out of sequence, Ms. Duckett. 8 This will be Exhibit J. 9 (Exhibit J was marked for 10 identification.) 11 BY MR. WILLIAMS: 12 Q. Okay. Mr. McLarty, I have a 13 document that's entitled, Facility Use Policy. 14 It says, Effective Date: July 20, 2020, and 15 Last Reviewed: March 4, 2019. 16 If I understand correctly, this is 17 the current policy. And what I would like for 18 you to do is let David review this with you, 19 too. And y'all tell me when you want me to 20 move it up so you can verify that I have 21 provided the current document. Okay? Because 22 it's -- it's easy to get all these confused, 23 and I want to make certain we're all on the 24 same page. 25 MR. O'DONNELL: It looks like</p>	<p style="text-align: right;">Page 63</p> <p>1 CHAD MCLARTY 2 it, Jack. 3 MR. WILLIAMS: Is that good 4 to go? 5 MR. O'DONNELL: Yeah. 6 BY MR. WILLIAMS: 7 Q. Okay. So, Mr. McLarty, can you 8 tell me what this is? And tell me when you 9 want me to move it up. 10 A. It's a facility use policy that we 11 had in effect, effective July 20th, 2020. 12 Q. Now, it's my understanding that the 13 document did not exist in this consolidated 14 form on July 20, 2020; is that correct? 15 A. I don't know, Mr. Williams. I 16 mean, I -- we voted to adopt it. There may 17 have been a tweak here and there, but I -- I 18 don't know. I mean, I don't guess I 19 understand. The document was presented to the 20 board of supervisors, and we voted to establish 21 this policy. 22 MR. WILLIAMS: Can we go off 23 the record for just a minute? 24 THE VIDEOGRAPHER: Sure. We 25 are off the record. The time is</p>
<p style="text-align: right;">Page 64</p> <p>1 CHAD MCLARTY 2 10:51 a.m. 3 (Off-the-record discussion 4 from 10:51 a.m. to 5 10:53 a.m.) 6 THE VIDEOGRAPHER: We're back 7 on the record. The time is 8 10:53 a.m. 9 MR. O'DONNELL: Okay. This 10 is David. Regarding Exhibit J, 11 which is the facility use policy 12 that's dated -- reflecting July 20, 13 2020, revisions, this document was 14 finally presented to the board in 15 its January 4, 2021 meeting, at 16 which time it was reviewed and 17 approved, the purpose of which was 18 to combine all the changes that the 19 board had made during 2020 into one 20 document so that it would be one 21 document posted on the website, 22 which reflected the current version 23 of the facility use policy. 24 MR. WILLIAMS: Thank you. 25 MR. O'DONNELL: Okay.</p>	<p style="text-align: right;">Page 65</p> <p>1 CHAD MCLARTY 2 BY MR. WILLIAMS: 3 Q. Okay. Mr. McLarty, I am scrolling 4 down to page 2. And there's a provision that's 5 entitled, Courthouse Grounds. Do you recall 6 how this provision came about? 7 A. Give me just a second, 8 Mr. Williams. 9 Q. Take all the time you need. 10 A. Mr. Williams, it goes back to what 11 we talked about just a few minutes ago with the 12 four or less. Due to all the permit 13 applications that were coming in, the 14 complexity of what was going on at the time in 15 2020, you know, in my personal opinion, you 16 know, things change, and a lot of times, we try 17 to react to different things in this world. 18 You know, the Constitution of the 19 United States has been amended a bunch of 20 times. I don't think you can write everything 21 in to cover everything. So we felt a need 22 that -- you know, we were having so many 23 requests that we allowed a few to stand out in 24 front of the Confederate memorial without a 25 permit. But if they impeded the sidewalk, then</p>

<p style="text-align: right;">Page 66</p> <p>1 CHAD MCLARTY</p> <p>2 it would be a violation, or if they interrupted</p> <p>3 county business, you know, there would have to</p> <p>4 be something done about it.</p> <p>5 Q. Now, you mentioned complexity of</p> <p>6 the time at 2020. And I don't mean to misstate</p> <p>7 you. If I am, correct me. What did you mean</p> <p>8 by that?</p> <p>9 A. You know, outside of COVID, in</p> <p>10 2020, I think everybody is well aware that</p> <p>11 there were some ongoing issues, a lot of</p> <p>12 protests in our country due to various factors.</p> <p>13 And, I mean, I think you could just pick one if</p> <p>14 you wanted to. I don't know that I could name</p> <p>15 them all.</p> <p>16 Q. Was George Floyd's death one of the</p> <p>17 reasons --</p> <p>18 A. Yes, sir. He would be one of the</p> <p>19 factors, yes, sir.</p> <p>20 Q. Are there any others that come to</p> <p>21 mind?</p> <p>22 A. I mean, you know, there's been so</p> <p>23 many things going on in 2020. I mean, Breonna</p> <p>24 Taylor would probably be one of them. There</p> <p>25 were numerous things that happened to cause a</p>	<p style="text-align: right;">Page 67</p> <p>1 CHAD MCLARTY</p> <p>2 lot of friction in our society. I mean, I --</p> <p>3 I'm sure there were countless other things, but</p> <p>4 I just -- people were very passionate on either</p> <p>5 side of the fence, and, you know, it caused a</p> <p>6 lot of people to want to come voice their</p> <p>7 opinion, their First Amendment right, which,</p> <p>8 you know, is fine.</p> <p>9 We were just trying to -- trying to</p> <p>10 react to what was going on. I don't know how</p> <p>11 else to phrase it.</p> <p>12 Q. Do you have an opinion as to</p> <p>13 whether the policy should reflect what is going</p> <p>14 on at a given time?</p> <p>15 A. Mr. Williams, I don't know that I</p> <p>16 have an opinion on it, but, I mean, it's --</p> <p>17 it's our job as county supervisors and -- you</p> <p>18 know, to try to take advice from the county</p> <p>19 administrator and sheriff. And that's the road</p> <p>20 we tried to go down. I mean, we listened to</p> <p>21 the ones we put in that position for advice and</p> <p>22 input, and these were the things the sheriff</p> <p>23 had had conversations with us about -- and the</p> <p>24 county administrator.</p> <p>25 Q. Did the sheriff ever personally</p>
<p style="text-align: right;">Page 68</p> <p>1 CHAD MCLARTY</p> <p>2 appear in front of the board?</p> <p>3 A. Yes, sir. He was in executive</p> <p>4 session several times in conversations about</p> <p>5 facility use policy.</p> <p>6 Q. When you say "several times," more</p> <p>7 than two?</p> <p>8 A. I'm going to say yes, off the top</p> <p>9 of my head, Mr. Williams. The majority of the</p> <p>10 time, regardless of the conversation we're</p> <p>11 having, the sheriff is in the room with us in</p> <p>12 executive session.</p> <p>13 Q. Do you recall the last time that</p> <p>14 y'all revisited the four-or-less limit that is</p> <p>15 contained in this provision that begins,</p> <p>16 Courthouse Grounds?</p> <p>17 A. Mr. Williams, I don't -- we</p> <p>18 adopted -- I mean, we proposed that or adopted</p> <p>19 that in July of last year. I don't recall</p> <p>20 another conversation about the four-or-less</p> <p>21 since then. I think everybody was fairly happy</p> <p>22 with the way it was working. If there was a</p> <p>23 conversation, I don't remember.</p> <p>24 Q. Now, no courthouse business is</p> <p>25 conducted around the Confederate soldier; is</p>	<p style="text-align: right;">Page 69</p> <p>1 CHAD MCLARTY</p> <p>2 that correct?</p> <p>3 A. I mean, there's no business</p> <p>4 conducted around the Confederate memorial, but</p> <p>5 there are people coming in and out of that</p> <p>6 south entrance to get to business in the</p> <p>7 courthouse, yes.</p> <p>8 Q. And there are three other ways to</p> <p>9 get onto the courthouse grounds, in addition to</p> <p>10 that south entrance. That's correct, isn't it?</p> <p>11 A. That's correct. But if I just had</p> <p>12 my coffee at Square Books, I don't want to walk</p> <p>13 around it. I want to take the path of least</p> <p>14 resistance.</p> <p>15 Q. Now, the language in here says that</p> <p>16 it's primarily a place of court business.</p> <p>17 A. That's correct.</p> <p>18 Q. But it's not exclusively a place of</p> <p>19 court business; is that correct?</p> <p>20 A. No, sir. I mean, you've got the</p> <p>21 election commissioners, you know, circuit</p> <p>22 clerk, the election process, marriage license,</p> <p>23 things of that nature.</p> <p>24 (Exhibit M was marked for</p> <p>25 identification.)</p>

<p style="text-align: right;">Page 70</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. Okay. Mr. McLarty, I'm handing you</p> <p>4 a document that has Exhibit M at the bottom,</p> <p>5 and it also says, Rash - Sheriff's Department,</p> <p>6 docs 1, 2, 3, and 4.</p> <p>7 And tell me when you want me to</p> <p>8 scroll up so you can read these. Okay? So you</p> <p>9 can get through it.</p> <p>10 A. Mr. Williams, I can't read anything</p> <p>11 that says.</p> <p>12 Q. Okay. I'm just showing it to you.</p> <p>13 This is how it was produced to us.</p> <p>14 A. All right.</p> <p>15 Q. Okay.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. So do you know what this</p> <p>18 series of documents is?</p> <p>19 A. Not really. I mean, it seems to be</p> <p>20 communication between the sheriff and Chief</p> <p>21 McCutchen and the university police chief.</p> <p>22 Q. So on this last page, there's a</p> <p>23 statement that says, It's Deannie McLarty doing</p> <p>24 a prayer meeting on the courthouse lawn on</p> <p>25 the 9th. And it's dated July 28th. So I'm</p>	<p style="text-align: right;">Page 71</p> <p>1 CHAD MCLARTY</p> <p>2 assuming that it's August 9 of 2020.</p> <p>3 Does that refresh your</p> <p>4 recollection?</p> <p>5 A. No, sir. I was not part of this</p> <p>6 email correspondence, so, I mean, this is the</p> <p>7 first time I've seen it.</p> <p>8 Q. Who is Deannie McLarty? Do you</p> <p>9 know?</p> <p>10 A. That's my sister.</p> <p>11 Q. So do you know anything about her</p> <p>12 having prayer meetings on the courthouse lawn?</p> <p>13 A. Yes, sir. I'm aware that she</p> <p>14 applied for a permit and had prayer meetings</p> <p>15 with several of the ministers in this</p> <p>16 community.</p> <p>17 Q. Okay. And so tell me about that,</p> <p>18 what you know.</p> <p>19 A. Mr. Williams, all I know is the</p> <p>20 event occurred. I was not in attendance.</p> <p>21 Q. Did she talk to you about it?</p> <p>22 A. She asked me one time over the</p> <p>23 phone what I thought about it, and I said I</p> <p>24 thought it was a good idea.</p> <p>25 Q. And how did she describe it when</p>
<p style="text-align: right;">Page 72</p> <p>1 CHAD MCLARTY</p> <p>2 she spoke with you about it over the phone?</p> <p>3 A. I mean, she was excited about it,</p> <p>4 Mr. Williams. It's something she's pretty</p> <p>5 passionate about.</p> <p>6 Q. Did she describe the clergy who</p> <p>7 would be in attendance?</p> <p>8 A. The main one that I'm aware of is</p> <p>9 Fish Robinson.</p> <p>10 Q. And you will probably have to spell</p> <p>11 that for Ms. Duckett, just to make certain she</p> <p>12 gets the name down correctly.</p> <p>13 A. It's Fish, F-I-S-H. Robinson,</p> <p>14 R-O-B-I-N-S-O-N.</p> <p>15 Q. And what congregation or church</p> <p>16 does --</p> <p>17 A. He's the pastor of Community Church</p> <p>18 in Oxford.</p> <p>19 Q. Was there anybody else on the --</p> <p>20 A. Mr. Williams, I was not in</p> <p>21 attendance, so I don't know.</p> <p>22 Q. Did she state that it would be only</p> <p>23 one?</p> <p>24 A. She did not advise me either way.</p> <p>25 Q. Well, when you were able -- on what</p>	<p style="text-align: right;">Page 73</p> <p>1 CHAD MCLARTY</p> <p>2 did you base your opinion to her that it would</p> <p>3 be a good idea, then?</p> <p>4 A. Mr. Williams, I believe in the</p> <p>5 power of prayer. I'm a religious man, so . . .</p> <p>6 Q. Did the courthouse lawn seem -- and</p> <p>7 I'm not trying to -- I'm not being dismissive.</p> <p>8 So if that tone -- I want to make certain that</p> <p>9 you understand that that's not the tone of my</p> <p>10 question.</p> <p>11 But did it seem to you that the</p> <p>12 courthouse lawn was an appropriate place to</p> <p>13 celebrate faith and to draw upon faith?</p> <p>14 A. I mean, Mr. Williams, I believe</p> <p>15 anywhere is an appropriate place, to be honest</p> <p>16 with you.</p> <p>17 Q. Some people believe you can pray</p> <p>18 wherever you are. Is that -- does that meet</p> <p>19 with your beliefs?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did she speak with you after the</p> <p>22 prayer meeting?</p> <p>23 A. I mean, yes, sir. She's my sister,</p> <p>24 so we would have spoken.</p> <p>25 Q. Did she speak with you about the</p>

<p style="text-align: right;">Page 74</p> <p>1 CHAD MCLARTY</p> <p>2 prayer meeting after the prayer meeting?</p> <p>3 A. I do not recall. I don't recall.</p> <p>4 Q. Is it fair to say that that was not</p> <p>5 county business, though?</p> <p>6 MR. O'DONNELL: Object to</p> <p>7 form. You can answer.</p> <p>8 A. Yes, that was not county business.</p> <p>9 Q. Now this, definition of "courthouse</p> <p>10 grounds" on page 2 of -- and let me get back to</p> <p>11 the exhibit. I believe it's Exhibit J. Do I</p> <p>12 have Exhibit J up? Yes.</p> <p>13 Do I have -- am I sharing page 2 of</p> <p>14 Exhibit J, where you can see the "courthouse</p> <p>15 grounds" definition?</p> <p>16 A. Yes, sir.</p> <p>17 Q. That does not include the chancery</p> <p>18 courthouse, am I correct?</p> <p>19 A. The building itself?</p> <p>20 Q. Well, this definition that says</p> <p>21 "courthouse grounds," does that include the</p> <p>22 chancery court building and the grounds</p> <p>23 surrounding the building?</p> <p>24 A. No.</p> <p>25 Q. I'm moving down to page 3 of</p>	<p style="text-align: right;">Page 75</p> <p>1 CHAD MCLARTY</p> <p>2 Exhibit J, and I'm looking at the section that</p> <p>3 has the subheading, Applications for Usage.</p> <p>4 And the second bullet point reads,</p> <p>5 "Applications should be submitted to the county</p> <p>6 administrator at least 14 days in advance of</p> <p>7 the day needed."</p> <p>8 How was that 14-day period arrived at?</p> <p>9 A. The board had conversations, again,</p> <p>10 with the sheriff and the county administrator,</p> <p>11 and we felt like the 30-day previous</p> <p>12 application process was too long. We felt like</p> <p>13 14 days was adequate enough time for the</p> <p>14 sheriff to do whatever he needed to do on his</p> <p>15 side to make sure that there was not going to</p> <p>16 be an issue or any additional manpower, et</p> <p>17 cetera. That's how it came about.</p> <p>18 Q. Do you know what the sheriff or</p> <p>19 what the county administrator would do in those</p> <p>20 14 days in order to determine whether the</p> <p>21 application could be honored?</p> <p>22 A. Mr. Williams, I can't speak for</p> <p>23 them. They had a job to do, and I can't tell</p> <p>24 you exactly what they were doing. But I'm sure</p> <p>25 researching, stuff of that nature.</p>
<p style="text-align: right;">Page 76</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Do you know what sort of research</p> <p>3 they conducted?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you look at any research they</p> <p>6 conducted?</p> <p>7 A. No, sir.</p> <p>8 Q. Did you listen to their explanation</p> <p>9 of the research they conducted?</p> <p>10 A. I would listen to the sheriff's</p> <p>11 advice. If he felt like a permit needed to be</p> <p>12 denied, then that's what we followed suit with.</p> <p>13 Q. So within that same subheading</p> <p>14 entitled, Applications for Usage, turning to</p> <p>15 the last bullet point, it reads in pertinent</p> <p>16 part, "The county administrator may shorten or</p> <p>17 waive the 14-day permit application requirement</p> <p>18 for proposed uses which demonstrate an urgent</p> <p>19 need for use of the county facility, such as</p> <p>20 the desire to demonstrate or engage in speech</p> <p>21 protected by the First Amendment, motivated by</p> <p>22 events or issues suggesting a need for</p> <p>23 immediate demonstration or expression, subject</p> <p>24 to reasonable time, place and manner</p> <p>25 restrictions."</p>	<p style="text-align: right;">Page 77</p> <p>1 CHAD MCLARTY</p> <p>2 What is your understanding of what</p> <p>3 a reasonable time, place, and manner</p> <p>4 restriction is?</p> <p>5 A. As far as how it relates to that</p> <p>6 section?</p> <p>7 Q. Sure.</p> <p>8 A. I mean, if something --</p> <p>9 Mr. Williams, if something came up, like it</p> <p>10 says, it's First Amendment motivated by</p> <p>11 issues -- and I think we had several of those</p> <p>12 when we took a vote on the Confederate memorial</p> <p>13 relocation -- that some of these people didn't</p> <p>14 have time. They didn't have 14 days to</p> <p>15 exercise their First Amendment right and to</p> <p>16 protest. And I believe the county</p> <p>17 administrator waived several of those. So, I</p> <p>18 mean, there are certain things that happened</p> <p>19 that, you know, as long as the county</p> <p>20 administrator and the sheriff are comfortable</p> <p>21 with it, I think that process can be moved up</p> <p>22 from the 14 days, if need be.</p> <p>23 Q. Is it fair to say, then, that the</p> <p>24 discretion to waive the 14 days rests with the</p> <p>25 sheriff and the county administrator?</p>

<p style="text-align: right;">Page 78</p> <p>1 CHAD MCLARTY</p> <p>2 A. It rests solely with the county 3 administrator, on the sheriff's advice.</p> <p>4 Q. Does the county administrator have 5 any guidance that must be considered other than 6 the sheriff's advice?</p> <p>7 A. I mean, Mr. Williams, Lisa Carwyle, 8 our county administrator, works at the will and 9 pleasure of the board, yes. But at the end of 10 the day, we dedicated her in this position, and 11 it is in her authority that she goes through 12 permit applications. We added an appeal clause 13 to this facility use policy in case there was 14 an issue that needed to be addressed in front 15 of the board of supervisors. We have never -- 16 in my nine years of being on the board of 17 supervisors, I don't ever remember hearing an 18 appeal for denial of a permit.</p> <p>19 Q. Now, do you recall when the appeal 20 provision was added?</p> <p>21 A. It was just recently added, this 22 last amendment, as far as actual language in 23 the facility use permit application or process. 24 It's always been out there. Any constituent or 25 any citizen or anybody coming in could always</p>	<p style="text-align: right;">Page 79</p> <p>1 CHAD MCLARTY</p> <p>2 appeal to the board of supervisors by getting 3 on the agenda.</p> <p>4 Q. So I'm looking on page 3 of 5 Exhibit J. Have I moved that up so that you 6 can see it, too?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And so there's a provision that has 9 the subheading, Denial of Proposed Usage. Is 10 this the appeal provision to which you 11 referred?</p> <p>12 A. It is.</p> <p>13 Q. And when you -- and correct me if 14 I'm misquoting you. When you state that it was 15 recently incorporated in the official language, 16 do you remember approximately when "recently" 17 was?</p> <p>18 A. I don't have them all in front of 19 me. I mean, I -- without looking at them all 20 right now, Mr. Williams, I can't tell you 21 exactly when it was.</p> <p>22 Q. Was it the start of 2020?</p> <p>23 A. Like I said, not looking at them, I 24 don't know.</p> <p>25 Q. Middle of 2020?</p>
<p style="text-align: right;">Page 80</p> <p>1 CHAD MCLARTY</p> <p>2 A. Again, I don't know.</p> <p>3 Q. So I'm on page 2 of Exhibit J, and 4 I'm looking at a provision that has the 5 subheading, Scope of and Restrictions on Use.</p> <p>6 A. I see it.</p> <p>7 Q. Okay. And the last sentence reads, 8 "Use of the county courthouse exterior grounds 9 is prohibited between 30 minutes before dusk 10 through and until dawn."</p> <p>11 How did this come about?</p> <p>12 A. On the sheriff's advice.</p> <p>13 Q. So why did the sheriff advise that?</p> <p>14 A. We would have so many deputies that 15 worked rotation or shifts, so many did at 16 night. The sheriff was having a hard time 17 delegating manpower to the rest of the county 18 with some things going on around the courthouse 19 square at the time. So on his advice, we added 20 that language into the facility use policy.</p> <p>21 Q. So before dusk, he has plenty of 22 manpower, but after dusk, he does not?</p> <p>23 A. According to his statement to me.</p> <p>24 Q. Do you know whether the deputies 25 and the people under his control, whether their</p>	<p style="text-align: right;">Page 81</p> <p>1 CHAD MCLARTY</p> <p>2 shifts change with -- when the sun sets?</p> <p>3 A. Mr. Williams, I don't know exactly 4 when their rotations are changed. You would 5 have to ask the sheriff that question. I just 6 know that between all the pedestrian issues 7 they were having on the square with the City of 8 Oxford, you know, and the traffic issues, it 9 was a safety issue to the sheriff. And he felt 10 like we needed to close the courthouse grounds.</p> <p>11 Q. Now, I'm returning back to the 12 document that was previously marked as 13 Exhibit C. And this is the satellite view of 14 the square, correct?</p> <p>15 A. Correct.</p> <p>16 Q. The county contends that it owns 17 the courthouse itself and the grounds 18 immediately surrounding the courthouse and the 19 sidewalk around the perimeter of the 20 courthouse; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. But insofar as Lamar Boulevard is 23 concerned -- that surrounds either side of the 24 courthouse. The county does not own Lamar 25 Boulevard, does it?</p>

1 CHAD MCLARTY 2 A. It depends on who you ask. We 3 don't maintain it. 4 Q. Does the city exercise jurisdiction 5 over Lamar Boulevard? 6 A. They do. 7 Q. Do the police officers issue 8 traffic citations and jaywalking tickets and 9 speeding tickets for violations that occur on 10 Lamar Boulevard? 11 A. I'm assuming they do. I never had 12 one. 13 Q. We spoke about pedestrian issues; 14 we spoke about traffic issues. Was any 15 additional justification given for enacting the 16 curfew on the Lafayette County courthouse 17 grounds at dusk? 18 A. I don't know that I would call it a 19 curfew, Mr. Williams. I mean, it's just a 20 closure. Curfew reminds me of having to be 21 home at a certain time. We've had various 22 different acts of vandalism over the years. I 23 mean, you've got to understand, you've got a 24 lot of -- a lot of people up there that are 25 coming through that general area that are	Page 82 1 CHAD MCLARTY 2 intoxicated. And the sheriff just felt like it 3 was best to close off the grounds at night. 4 Q. So what deliberation has been given 5 to installing gates on the openings so that the 6 courthouse grounds can be secured and closed at 7 night? 8 A. We have had an open discussion 9 about it amongst several of the supervisors. 10 We've talked to Sheriff East about it. He 11 would love to pursue that option. I don't 12 remember if we asked the county administrator 13 to reach out to Archives and History, because 14 I'm sure that's something that would have to go 15 through them in order for us to do that. So 16 right now, I would say that's still pending. 17 Q. What discussion has been had about 18 erecting signs advising the public that the 19 courthouse grounds are closed at dusk? 20 A. To my knowledge, right now there 21 are signs being made, and they will be put up 22 in the near future. 23 Q. And when did that decision occur? 24 A. I mean, Mr. Williams, I don't 25 remember an actual board action just yet. I
Page 84 1 CHAD MCLARTY 2 mean, it was a conversation between a 3 supervisor and the county administrator and the 4 sheriff. If it requires board action, then 5 that will happen really soon, too. But I'm 6 going to say the county administrator has the 7 authority to put the signs up without a board 8 action. 9 Q. Do you recall when this 10 conversation took place approximately? 11 A. No, sir, I do not. 12 Q. Did it take place in July? 13 A. Yeah. I mean, the sheriff had a 14 conversation about it in July. 15 Q. Now, the chancery grounds -- the 16 chancery building and the grounds upon which it 17 is included are not part of this dusk-to-dawn 18 closure described -- 19 A. Is that the end of your question? 20 Q. No. No. I'm looking for a 21 document. Okay. 22 So the scope and restrictions of 23 use that we looked at in Exhibit J, which says 24 that use of the county courthouse exterior 25 grounds is prohibited between 30 minutes before	Page 85 1 CHAD MCLARTY 2 dusk through and until dawn, that does not 3 include the grounds upon which the chancery 4 building is situated. Am I correct in 5 understanding that? 6 A. You are correct. 7 (Exhibit I was marked for 8 identification.) 9 BY MR. WILLIAMS: 10 Q. I'm attempting to share Exhibit I. 11 Have I succeeded? 12 A. I've got it, Mr. Williams. 13 Q. Okay. So would you tell me what 14 this is? 15 A. That's the chancery building, or 16 better known as Plunck Palace. 17 Q. Better known as what? 18 A. Plunck Palace. 19 Q. P-L-U-N-C-K? 20 A. Yes, sir. 21 Q. Was he the county administrator? 22 You're going to have to refresh my memory. 23 A. He was the circuit clerk for 24 Lafayette County for -- I mean, the chancery 25 clerk for, God --

<p style="text-align: right;">Page 86</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Forever.</p> <p>3 A. 25, 30 years.</p> <p>4 Q. Yeah. You know, I've never done 5 any chancery work to speak of, so I never had 6 to interact with that court. But as soon as 7 you said "Plunck," I went, Oh, I know that's a 8 significant figure.</p> <p>9 Okay. So this is Exhibit I, 10 page 1, and what do we see?</p> <p>11 A. That's the Lafayette County 12 chancery building.</p> <p>13 Q. And this is the front of the 14 building, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And it faces onto Lamar?</p> <p>17 A. Correct.</p> <p>18 Q. And we go to page 2 of the exhibit, 19 and what do we see?</p> <p>20 A. We're looking south on North Lamar 21 towards the county courthouse.</p> <p>22 Q. And on the left side of this photo 23 is the chancery building, and on the right side 24 of the photo are a number of commercial 25 establishments, and Grady Tollison's office is</p>	<p style="text-align: right;">Page 87</p> <p>1 CHAD MCLARTY</p> <p>2 down there in his space. Is that a fair 3 assessment?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. So there is a large 6 crosswalk that runs across Lamar, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now, if we get this building on 9 the -- across from the court building, and 10 there's several panes of glass in a door 11 leading into an establishment on the southwest 12 side of that building, do you know what that 13 establishment is?</p> <p>14 A. Coffee place, maybe.</p> <p>15 Q. Pardon?</p> <p>16 A. A coffee place, maybe?</p> <p>17 Q. Yeah. Have you ever been in there?</p> <p>18 A. Maybe once.</p> <p>19 Q. Do you know how late it stays open?</p> <p>20 A. I have no idea.</p> <p>21 Q. Okay. Around the corner, I believe 22 there's a place called The Growler. At least 23 there used to be. Do you know whether that's 24 true?</p> <p>25 A. As far as I know, it's still there.</p>
<p style="text-align: right;">Page 88</p> <p>1 CHAD MCLARTY</p> <p>2 Q. And what is The Growler?</p> <p>3 A. It's a craft beer specialty place.</p> <p>4 Q. Okay.</p> <p>5 A. I have been there before.</p> <p>6 Q. I haven't been in a long time, but 7 I used to like their selection. I do remember 8 that much.</p> <p>9 So if we keep heading south, 10 there's a tan building that in 2020 looks a 11 little bit out of place. And then immediately 12 beyond that is a three-story red brick 13 building. Are you with me?</p> <p>14 A. Yes, sir. The Thompson House.</p> <p>15 Q. Okay. And The Blind Pig is in the 16 basement of that building, isn't it?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. Now, The Blind Pig is a bar 19 and sandwich place, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. I'm looking at page 3 of 22 Exhibit I. And what do I see?</p> <p>23 A. You're looking east on Monroe. 24 You're looking at the south side of the 25 chancery building.</p>	<p style="text-align: right;">Page 89</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And I'm on page 4 of 3 Exhibit I. And what am I looking at?</p> <p>4 A. The east side of the chancery 5 building and employee parking.</p> <p>6 Q. Do people ever park in the parking 7 spots associated with the chancery building 8 after chancery hours?</p> <p>9 A. I'm sure they do.</p> <p>10 Q. And when you say you're sure, why 11 do you say that?</p> <p>12 A. I mean, after 5:00 when all 13 employees go home, there's nobody up there 14 enforcing a "no parking." So it basically 15 would be free parking to whoever came in. I 16 mean, I've never parked there, but I'm assuming 17 that.</p> <p>18 Q. I think I'm sharing what's 19 previously been marked as Exhibit D. Do I have 20 that on the screen?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. And so we see the Lafayette 23 County -- I'm going to say "chancery 24 building" -- in the middle of the screen. And 25 south on Monroe Avenue, there are parking</p>

<p style="text-align: right;">Page 90</p> <p>1 CHAD MCLARTY</p> <p>2 slots. Is that parking that's associated with 3 the chancery building?</p> <p>4 A. No, sir. It's city-owned.</p> <p>5 Q. That's city-owned. Do people park 6 there after 5:00?</p> <p>7 A. It's paid parking, but yeah.</p> <p>8 Q. Okay. And then so I'm on the east 9 side of the building now, and I see parking 10 spots. Is that the chancery building parking 11 spots?</p> <p>12 A. That is correct.</p> <p>13 Q. And do people park there after 14 5:00?</p> <p>15 A. Like I said previously, I'm 16 assuming. I've never parked there.</p> <p>17 Q. Free parking --</p> <p>18 A. Correct.</p> <p>19 Q. -- is cherished after 5:00, isn't 20 it?</p> <p>21 A. It is.</p> <p>22 Q. Okay. And looking on the north 23 side of the chancery building, there's another 24 parking lot. Can you tell me about that?</p> <p>25 A. That's Lafayette County property.</p>	<p style="text-align: right;">Page 91</p> <p>1 CHAD MCLARTY</p> <p>2 It's -- that parking lot on the north side is 3 structured for the constituents to come in and 4 pay their tax bills or whatever other business 5 they have in the chancery building. It's free 6 of charge. Some of them have signs dedicated 7 for employee parking on the far north side. 8 Everything to the south side of the parking lot 9 is for taxpayers of Lafayette County.</p> <p>10 Q. And do people park there after 11 5:00?</p> <p>12 A. Yes, sir, they do.</p> <p>13 Q. Now, when we go due north just on 14 the northern edge, there is a structure that's 15 called Graduate Oxford. Do you know what that 16 is?</p> <p>17 A. It's a hotel.</p> <p>18 Q. And what do you know about that 19 hotel?</p> <p>20 A. I mean, it's a fairly nice hotel. 21 I've been upstairs and ate at the restaurant. 22 That's all I can tell you. I've never stayed 23 there.</p> <p>24 Q. Do you know whether it's a 25 desirable place to stay for alumni coming into</p>
<p style="text-align: right;">Page 92</p> <p>1 CHAD MCLARTY</p> <p>2 town for games and things like that?</p> <p>3 A. I would assume, yes, sir. It's 4 close to the square.</p> <p>5 Q. And it's pretty swanky, isn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, up here, you see the little 8 orange dot and a little pink dot?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know whether there's a bar 11 up there?</p> <p>12 A. There's a bar and a restaurant. I 13 believe it's called the -- maybe The Coop. I'm 14 not -- I don't really remember the name, but, I 15 mean, I've been in it.</p> <p>16 Q. It's upstairs and part of it is 17 open air; isn't that correct?</p> <p>18 A. Rooftop, yes, sir.</p> <p>19 Q. Yeah. And, again, going back to 20 this little corner that says, Search Google 21 Maps, and we've got the parking lot. This is 22 where the new parking tower is located; is that 23 correct?</p> <p>24 A. It's a parking garage, yes, sir.</p> <p>25 Q. Parking garage. And about 800 cars</p>	<p style="text-align: right;">Page 93</p> <p>1 CHAD MCLARTY</p> <p>2 will fit in there? Did I recall that?</p> <p>3 A. I would estimate closer to 500, but 4 that's just me throwing out a number.</p> <p>5 Q. Okay. Now, do you think there are 6 pedestrian issues up and down North Lamar 7 sometimes at nighttime because of the cars that 8 are parked over in this northeast corner 9 because we've got a popular bar in the Graduate 10 of Oxford -- I'm sorry, that's northwest 11 corner -- northeast corner. And we've got The 12 Blind Pig down here in the southwesterly 13 corner?</p> <p>14 A. Mr. Williams, the difference 15 between -- my answer would be no. I mean, 16 because if you're trying to compare it to the 17 courthouse square, it's -- it's not even the 18 same ball game. Your line of sight is a whole 19 lot better on North Lamar. Your lighting is 20 better. There's only three crosswalks: one at 21 Jefferson, one at Monroe, and one in between 22 the chancery building and the coffee place. 23 You come around that square, and it's 24 completely different line of sight. The 25 lighting is not where it needs to be. It's</p>

<p style="text-align: right;">Page 94</p> <p>1 CHAD MCLARTY 2 like comparing apples to oranges to me. 3 Q. So let's return back to Exhibit C. 4 And we're looking at the Lafayette County 5 courthouse from a satellite view. 6 A. Yes, sir. 7 Q. What about the closure of the 8 courthouse grounds at dusk prevents anybody 9 from using the crosswalks from the outside 10 perimeter of the square to get onto the 11 sidewalks that surround the courthouse? 12 A. I mean, if you're talking about 13 gaining -- whether wrought iron fencing is -- 14 the sidewalks are on the outside of the wrought 15 iron fencing. So, I mean, they could still 16 technically walk around the outside of the 17 fencing.</p> <p>18 MR. O'DONNELL: Jack? 19 MR. WILLIAMS: Yes, sir. 20 MR. O'DONNELL: I'm not sure 21 where you are in your exam, but now 22 it's the lunch hour. Do you want 23 to just press through, or do you 24 want to take a break? 25 MR. WILLIAMS: I probably</p>	<p style="text-align: right;">Page 95</p> <p>1 CHAD MCLARTY 2 have about 30 minutes, tops. But I 3 need to take a short break, anyway, 4 because my body is being my body. 5 MR. O'DONNELL: I prefer to 6 press on if you've got 30 minutes. 7 We can take a short break. 8 MR. WILLIAMS: Well, let's do 9 that, then. 10 THE VIDEOGRAPHER: We are off 11 the record. The time is 11:56 a.m. 12 (Recess from 11:56 a.m. to 13 12:07 p.m.) 14 THE VIDEOGRAPHER: We are 15 back on the record. The time is 16 12:07 p.m. 17 BY MR. WILLIAMS: 18 Q. I'm not trying to keep y'all in 19 suspense. I'm just trying to gather all of my 20 documents. I should be sharing Exhibit C 21 again, which is the zoomed-in satellite view of 22 the courthouse. Is that on the screen? 23 A. Yes, sir. 24 Q. Okay. Now, let me make certain 25 that I understand entrances to the courthouse.</p>
<p style="text-align: right;">Page 96</p> <p>1 CHAD MCLARTY 2 There is an entrance on the south side of the 3 Lafayette County courthouse looking out onto 4 South Lamar boulevard, correct? 5 A. Correct. 6 Q. And it's a -- I can't remember how 7 many doors there are. It's a true entrance, 8 right? 9 A. Yes, sir. It's dual doors. 10 Q. So there's also another set of 11 doors on the north side of the courthouse; 12 isn't that correct? 13 A. Correct. 14 Q. And they are double doors also, 15 correct? 16 A. That's correct. There are two more 17 doors on the north side, if I remember 18 correctly, but they're not for public entrance. 19 Q. I may be wrong, but I think one of 20 those doors is the doors that the circuit court 21 judges can use to get up to their chambers and 22 into the courtroom, and another one may be 23 where prisoners are escorted into and outside 24 of the building. 25 There is a -- I'm going to use</p>	<p style="text-align: right;">Page 97</p> <p>1 CHAD MCLARTY 2 "courtyard," for lack of a better word. There 3 is some grassy space on the north side of the 4 courthouse outside those -- the northerly 5 steps. That's correct, isn't it? 6 A. Yes, sir. 7 Q. And isn't there a flagpole there? 8 A. Yes, sir. Two of them. 9 Q. Okay. Do you recall whether there 10 are ever any ceremonies conducted there 11 honoring either law enforcement officers or the 12 military? 13 A. One that sticks out to me is the 14 fallen law enforcement officer thing they do 15 every year. I know we have it on the north 16 lawn of the courthouse, if the weather is 17 permitting. 18 Q. And approximately how many people 19 gather for that? 20 A. Best guess, 50, maybe. 40, 50. 21 Q. Do they fit safely on the north 22 lawn? 23 A. Yes, sir. 24 Q. About how long does that ceremony 25 take?</p>

<p style="text-align: right;">Page 98</p> <p>1 CHAD MCLARTY</p> <p>2 A. 20 or 30 minutes, at best.</p> <p>3 Q. And court business continues while</p> <p>4 that ceremony is taking place?</p> <p>5 A. Out of respect for that ceremony,</p> <p>6 all of the court stops and comes and attends.</p> <p>7 Q. That would certainly make sense.</p> <p>8 Are there any other events that you know of</p> <p>9 that take place on the north lawn?</p> <p>10 A. That's the only one that I can</p> <p>11 think of, Mr. Williams.</p> <p>12 Q. Have you ever heard of an Easter</p> <p>13 bunny appearing for kids and their families on</p> <p>14 that north lawn?</p> <p>15 A. Well, like I said, my kids are a</p> <p>16 lot older. I do not recall that.</p> <p>17 Q. What about a Santa Claus?</p> <p>18 A. I don't really recall Santa Claus</p> <p>19 appearing on the north lawn. I'm not saying he</p> <p>20 hasn't. There was one group -- I remember a</p> <p>21 sleigh being out there. I don't know how that</p> <p>22 came about. I didn't ask any questions. I</p> <p>23 didn't see a big issue with it.</p> <p>24 Q. I wonder if there was a photo</p> <p>25 opportunity.</p>	<p style="text-align: right;">Page 99</p> <p>1 CHAD MCLARTY</p> <p>2 A. I'm sure there was, but I wasn't</p> <p>3 there.</p> <p>4 Q. How does the budgeting process for</p> <p>5 the sheriff's department work?</p> <p>6 A. I mean, it's -- the sheriff gives</p> <p>7 his budget request to the county administrator.</p> <p>8 The board of supervisors review it, and, you</p> <p>9 know, we try to figure out ways to finance his</p> <p>10 budget without increasing millage. I mean,</p> <p>11 sometimes he gets what he wants; sometimes he</p> <p>12 doesn't. Unfortunately, we're not like the</p> <p>13 federal government. We just can't print money.</p> <p>14 Q. Does the budget include a line item</p> <p>15 for overtime for deputies and other law</p> <p>16 enforcement officers who are part of the</p> <p>17 sheriff's department?</p> <p>18 A. Well, I don't have the budget in</p> <p>19 front of me right now. That budget is massive</p> <p>20 in itself. I would be -- without looking at</p> <p>21 it, I really can't answer that question. And</p> <p>22 as far as him particularly asking for X amount</p> <p>23 of overtime in his budget, I don't recall.</p> <p>24 Q. Well, there are some times when</p> <p>25 more feet are needed on the ground than others,</p>
<p style="text-align: right;">Page 100</p> <p>1 CHAD MCLARTY</p> <p>2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Do you know how the budget</p> <p>5 accommodates that varying demand?</p> <p>6 A. Without looking at it, I mean, I</p> <p>7 think there's a line item, like you said, for</p> <p>8 overtime. But, you know, how he comes up with</p> <p>9 that equation of how much money he needs in</p> <p>10 that budget for extra man hours, you would have</p> <p>11 to ask the sheriff. You know, I'm going to say</p> <p>12 that, basically, his budget, as far as salary</p> <p>13 is related, is just strictly the base salary of</p> <p>14 the employee times whatever is his budget, with</p> <p>15 a little bit of contingencies for overtime.</p> <p>16 Q. Have there ever been occasions when</p> <p>17 he's come to the board of supervisors and asked</p> <p>18 for additional funding to provide deputies to</p> <p>19 cover unforeseen events?</p> <p>20 A. I don't recall him per se asking</p> <p>21 the board of supervisors. He may have come to</p> <p>22 the county administrator and asked if he had</p> <p>23 enough money in his budget allocated to cover</p> <p>24 different additional man hours. In the budget</p> <p>25 itself, you can always move money around,</p>	<p style="text-align: right;">Page 101</p> <p>1 CHAD MCLARTY</p> <p>2 whether you take a car out of the budget or if</p> <p>3 you don't buy a couple of rifles. I mean, the</p> <p>4 county administrator and the sheriff can do</p> <p>5 that in-house most of the time on small</p> <p>6 budgetary items like that. They would not get</p> <p>7 us involved unless it was a massive -- a pretty</p> <p>8 good sizable amount of money.</p> <p>9 Q. Do you know how overtime is paid to</p> <p>10 deputies?</p> <p>11 A. I do not.</p> <p>12 Q. Do you recall an instance where the</p> <p>13 sheriff caused a bill to be sent either to the</p> <p>14 city or the University of Mississippi for the</p> <p>15 cost of manpower associated with providing --</p> <p>16 "security" is not the word that I'm looking</p> <p>17 for -- for ensuring that the University of</p> <p>18 Mississippi athletes' procession from the</p> <p>19 Confederate statue on the courthouse grounds,</p> <p>20 south on Lamar, and then east on University to</p> <p>21 the old National Guard armory -- I've lost my</p> <p>22 train of thought. Let me rephrase that.</p> <p>23 You know the march that I'm talking</p> <p>24 about, right?</p> <p>25 MR. O'DONNELL: I was going</p>

<p style="text-align: right;">Page 102</p> <p>1 CHAD MCLARTY</p> <p>2 to object, Jack, but I think you</p> <p>3 fixed my objection.</p> <p>4 MR. WILLIAMS: I'm usually</p> <p>5 pretty good at keeping a train of</p> <p>6 thought going, but, boy, that one</p> <p>7 went off the tracks.</p> <p>8 BY MR. WILLIAMS:</p> <p>9 Q. So you are familiar with the</p> <p>10 athletes' march from the Confederate soldier on</p> <p>11 the courthouse grounds, down Lamar, and over to</p> <p>12 the pavilion on University Avenue, correct?</p> <p>13 A. I am familiar with the march. I</p> <p>14 don't know which direction they went after they</p> <p>15 left the Confederate memorial.</p> <p>16 Q. Are you aware that the sheriff</p> <p>17 caused an invoice to be submitted, either to</p> <p>18 the university or the city, for the cost of the</p> <p>19 additional manpower?</p> <p>20 A. Yes, sir. He copied me on the</p> <p>21 email.</p> <p>22 Q. Okay. Has that ever happened</p> <p>23 before that you know of?</p> <p>24 A. Not that I'm aware of in my tenure</p> <p>25 as county supervisor, no. We have discussed it</p>	<p style="text-align: right;">Page 103</p> <p>1 CHAD MCLARTY</p> <p>2 before, but I don't think we've ever actually</p> <p>3 sent a bill to anybody.</p> <p>4 Q. And in what context have you</p> <p>5 discussed it before?</p> <p>6 A. I knew you was going to ask me</p> <p>7 this. I really don't remember the -- what</p> <p>8 happened, and I'm not saying it was related to</p> <p>9 the sheriff's department. I'm just saying as</p> <p>10 far as sending an invoice to the City of Oxford</p> <p>11 for something that we felt paid -- that they</p> <p>12 owed us. So maybe let me rephrase and back up.</p> <p>13 As far as the sheriff's office is concerned, as</p> <p>14 far as additional manpower, no. I've never had</p> <p>15 a discussion about that.</p> <p>16 Q. What is your understanding as to</p> <p>17 why an invoice was submitted in this instance?</p> <p>18 A. My understanding, from what</p> <p>19 Sheriff East told me, was that there was no</p> <p>20 time given to the sheriff, that it happened</p> <p>21 very quickly, and he was not prepared for that</p> <p>22 many student athletes to be congregated around</p> <p>23 the Confederate memorial out in the street.</p> <p>24 There was a huge safety issue as far as them</p> <p>25 blocking traffic. And I believe that was what</p>
<p style="text-align: right;">Page 104</p> <p>1 CHAD MCLARTY</p> <p>2 was -- the thorn in his side was that he was</p> <p>3 not given advance notice. And they were on</p> <p>4 courthouse property without a permit.</p> <p>5 Q. Do you know Anthony Hervey?</p> <p>6 A. I know of him.</p> <p>7 Q. Do you know who he was?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And who was he?</p> <p>10 A. He was a black man that sat in</p> <p>11 front of the Confederate memorial for years and</p> <p>12 years, holding a Confederate flag.</p> <p>13 Q. Okay. I'm sharing a screen, and</p> <p>14 it's a YouTube screen. It's on the Local</p> <p>15 Voices channel. And the person who took this,</p> <p>16 if she has not, she's going to submit a little</p> <p>17 affidavit, stating that it's authentic. But</p> <p>18 I'm going to play this real quickly.</p> <p>19 (Video played.)</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. Did you observe that personally?</p> <p>22 A. No.</p> <p>23 Q. Do you know anyone who did?</p> <p>24 A. No, sir.</p> <p>25 Q. Do you know of any other funeral</p>	<p style="text-align: right;">Page 105</p> <p>1 CHAD MCLARTY</p> <p>2 procession that has been led in front of the</p> <p>3 Confederate statue with Civil War reenactors</p> <p>4 marching, singing Dixie?</p> <p>5 A. Not to my knowledge, no, sir.</p> <p>6 Q. There was a sheriff's department</p> <p>7 car leading the procession, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Do you know whether the sheriff's</p> <p>10 department billed the survivors of Anthony</p> <p>11 Hervey for any additional manpower necessary to</p> <p>12 provide safety during that procession?</p> <p>13 MR. O'DONNELL: Object to</p> <p>14 form. You can answer if you know.</p> <p>15 A. Mr. Williams, I'm not aware of any</p> <p>16 monetary exchange between the Hervey family and</p> <p>17 the sheriff's department. Out of common</p> <p>18 courtesy and respect, the sheriff's office and</p> <p>19 OPD always escorts any of the dead in this</p> <p>20 community to their final resting place.</p> <p>21 Q. Does that normally involve a foot</p> <p>22 procession around the courthouse and the</p> <p>23 square?</p> <p>24 A. No, sir, it doesn't normally</p> <p>25 involve that. But it was just a couple weeks</p>

<p style="text-align: right;">Page 106</p> <p>1 CHAD MCLARTY</p> <p>2 ago, there was a young -- young kid, 17 years 3 old, that got killed in a car accident, and his 4 father worked for a truck -- a towing company. 5 And they did a procession around the 6 courthouse, and there were probably in excess 7 of 150 tow trucks involved. So, I mean, 8 there's always things that are going to happen, 9 depending on who that person is.</p> <p>10 Q. Let's shift gears. The county has 11 discussed contextualization of the monument; is 12 that correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And where does that stand right 15 now?</p> <p>16 A. To be honest with you, 17 Mr. Williams, it's been a long time ago. I 18 would have to refer back to my board minutes to 19 see if we actually approved it or didn't 20 approve it. I actually don't recall.</p> <p>21 Q. Do you recall whether it's been 22 discussed by the board in the last six months?</p> <p>23 A. I do not remember, per se, me being 24 involved in any conversation in the last six 25 months about contextualization.</p>	<p style="text-align: right;">Page 107</p> <p>1 CHAD MCLARTY</p> <p>2 Q. What about in the last year?</p> <p>3 A. I mean, you're asking me to go 4 back. I don't recall.</p> <p>5 Q. Okay. Another historical topic 6 that has been considered within the 7 community -- and I believe at the county level, 8 and correct me if I'm wrong -- is erecting a 9 plaque memorializing African-Americans who were 10 lynched in Lafayette County; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And what is the status of that 13 presently?</p> <p>14 A. We meet with that committee at our 15 next board meeting, which will be Monday -- 16 Monday morning at 9:00. They're on the agenda.</p> <p>17 Q. Okay. Are there any outside 18 advisors or consultants who are part of that 19 group in addition to the members of the board?</p> <p>20 A. I mean, Mr. Rikard and 21 Mr. Gillespie have met with the committee that 22 is overseeing that project the last couple of 23 times. Years ago, when -- two or three years 24 ago, when they first started, myself and 25 Mr. Busby met with that committee.</p>
<p style="text-align: right;">Page 108</p> <p>1 CHAD MCLARTY</p> <p>2 Q. And approximately how many years 3 has that committee been meeting?</p> <p>4 A. At least two, maybe a little 5 longer. But dealing with Archives and History 6 is involved in that process.</p> <p>7 MR. WILLIAMS: David, did you 8 ever have a case with Alex Alston 9 out of Jackson?</p> <p>10 MR. O'DONNELL: I don't think 11 so, Jack. I know who you're 12 talking about. I don't believe so.</p> <p>13 MR. WILLIAMS: Well, I was 14 lucky enough to work for him right 15 out of law school. And whenever I 16 attended a deposition with him and 17 he would get to the end, he would 18 say, let me talk to my lawyer, 19 which meant he just wanted to 20 consult with me.</p> <p>21 I think we're close to 22 ending, but I would like to take a 23 moment to speak with Josh, if 24 that's okay with y'all.</p> <p>25 MR. O'DONNELL: Sure. It</p>	<p style="text-align: right;">Page 109</p> <p>1 CHAD MCLARTY</p> <p>2 will be fine.</p> <p>3 MR. WILLIAMS: Okay. So take 4 10.</p> <p>5 THE VIDEOGRAPHER: We are off 6 the record. The time is 12:37 p.m.</p> <p>7 (Recess from 12:37 p.m. to 8 12:47 p.m.)</p> <p>9 THE VIDEOGRAPHER: We are 10 back on the record. The time is 11 12:47 p.m.</p> <p>12 MR. WILLIAMS: I have one 13 housekeeping measure, but, 14 Mr. McLarty, I have no further 15 questions of you. I know that I've 16 consumed a good part of your day, 17 and I know that it's not fun having 18 to be on your feet and think so 19 hard. And I thank you for giving 20 me the time and your attention 21 today.</p> <p>22 THE WITNESS: I appreciate 23 you taking it easy on me.</p> <p>24 MR. WILLIAMS: You know, I 25 practiced in Texas for a while.</p>

<p>1 CHAD MCLARTY</p> <p>2 Those people are hard-asses. We're</p> <p>3 not in this part of the world. But</p> <p>4 I do want -- and this is just to</p> <p>5 make certain that the record is</p> <p>6 complete. I do want to add one</p> <p>7 thing to the record.</p> <p>8 I have just put a document in</p> <p>9 the chat box that's entitled,</p> <p>10 Funeral Procession Link.</p> <p>11 Ms. Duckett, have you</p> <p>12 received that?</p> <p>13 (Exhibit N was marked for</p> <p>14 identification.)</p> <p>15 MR. WILLIAMS: Okay. And I'm</p> <p>16 just going to share the screen real</p> <p>17 quickly so y'all can see what I've</p> <p>18 added. It's simply a screenshot of</p> <p>19 the page -- of the splash page for</p> <p>20 the video that we just watched.</p> <p>21 And I just want to make certain</p> <p>22 that the record reflects the video</p> <p>23 we watched and where to find it.</p> <p>24 And so with that said --</p> <p>25 MR. O'DONNELL: Jack, this is</p>	<p>Page 110</p> <p>1 CHAD MCLARTY</p> <p>2 your placeholder for the video?</p> <p>3 MR. WILLIAMS: Well, I think</p> <p>4 we're just going to submit the</p> <p>5 video with an affidavit. But that</p> <p>6 would work, too.</p> <p>7 MR. O'DONNELL: I understand.</p> <p>8 So the screenshot is not in and of</p> <p>9 itself an exhibit. It's reflective</p> <p>10 of the video or represents the</p> <p>11 video.</p> <p>12 MR. WILLIAMS: Yes. It is --</p> <p>13 it's memorialization. Does that</p> <p>14 make sense?</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 MR. WILLIAMS: Okay.</p> <p>17 MR. O'DONNELL: So do you</p> <p>18 have an exhibit number?</p> <p>19 MR. WILLIAMS: Pardon?</p> <p>20 MR. O'DONNELL: It has an</p> <p>21 exhibit number, right?</p> <p>22 MR. WILLIAMS: It does not,</p> <p>23 but, Ms. Duckett, will you make it</p> <p>24 Exhibit N.</p> <p>25 Okay. And with that, I have</p>
<p>1 CHAD MCLARTY</p> <p>2 no further questions of you today,</p> <p>3 Mr. McLarty, and I tender the</p> <p>4 witness.</p> <p>5 MR. O'DONNELL: And I just</p> <p>6 have a couple of questions, just to</p> <p>7 clarify.</p> <p>8 EXAMINATION</p> <p>9 BY MR. O'DONNELL:</p> <p>10 Q. Mr. McLarty, you were shown early</p> <p>11 on this morning a photo of a little girl eating</p> <p>12 yogurt at night. The photo depicted a</p> <p>13 Christmastime scene. Assuming that that photo</p> <p>14 was taken in December of 2020, would the fact</p> <p>15 that the girl was on the courthouse grounds at</p> <p>16 night be a violation of the county's closure</p> <p>17 policy?</p> <p>18 A. Yes, it would.</p> <p>19 Q. And you were also asked a question</p> <p>20 about the use of -- nighttime use of -- by a</p> <p>21 pedestrian -- of the exterior sidewalk, that is</p> <p>22 the sidewalk outside the fencing along the</p> <p>23 courthouse perimeter. If someone was using</p> <p>24 that exterior sidewalk at night, would that</p> <p>25 violate the county's closure policy?</p>	<p>Page 112</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, it would. I misspoke earlier.</p> <p>3 MR. O'DONNELL: That's all I</p> <p>4 have, Jack.</p> <p>5 MR. WILLIAMS: I have no</p> <p>6 further questions.</p> <p>7 THE VIDEOGRAPHER: This</p> <p>8 concludes today's questioning. We</p> <p>9 are off the record. The time is</p> <p>10 12:54 p.m.</p> <p>11 COURT REPORTER: Counsel,</p> <p>12 would you like the same orders you</p> <p>13 have been getting?</p> <p>14 MR. WILLIAMS: Yes.</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 (The deposition of CHAD</p> <p>17 MCLARTY concluded at</p> <p>18 12:54 p.m.)</p> <p>19 * * * * *</p>

<p>1 CHAD MCLARTY 2 REPORTER'S CERTIFICATE 3 I, Greta H. Duckett, Certified Court 4 Reporter, Registered Professional Reporter, and 5 Certified Realtime Reporter, hereby certify 6 that on Friday, January 15, 2021, I reported 7 the remote deposition of CHAD MCLARTY, who was 8 first duly sworn or affirmed to speak the truth 9 in the matter of the foregoing cause, and that 10 the pages herein contain a true and accurate 11 transcription of the examination of said 12 witness by counsel for the parties set out 13 herein. 14 I further certify that I am neither of 15 kin nor of counsel to any of the parties to 16 said cause, nor in any manner interested in the 17 results thereof.</p> <p>18 This 28th day of January, 2021.</p> <p>19  20 _____ 21</p> <p>22 GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S 23 ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671 24 25</p>	<p>Page 114</p> <p>1 ERRATA SHEET</p> <p>2 Case Name: 3 Deposition Date: 4 Deponent: 5 Pg. No. Now Reads Should Read Reason</p> <p>6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 THIS ____ DAY OF _____, 2021. 24 _____ 25 (Notary Public) MY COMMISSION EXPIRES: _____</p>
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